

In the Court of Additional Sessions Judge, Diamond Harbour, South 24 Parganas  
CMC 87/2026

Present : Dhiman Barman (WB00923)  
Diamond Harbour Woman PS Case No 01/2026  
U/S 64/ 109/ 351(2) of BNS, 2023

Accused Petitioners : Mokarim Molla

Order No 5  
17.03.2026

Today is fixed for hearing on the bail petition u/s 483 BNS filed on behalf of the accused person Mokarim Molla.

Ld Advocate for the accused/petitioner and the Ld. PP in charge both are present.

Record is taken up for hearing.

Heard Both sides.

CD produced.

At the very beginning Ld Advocate for the above-named accused petitioner submitted that no bail application is either filed or pending before any higher forum and that the accused is in custody since 24.01.2026 and that in the meantime charge sheet has also been submitted in this case indicating thereby, there is no scope of custodial interrogation of the accused. He further submitted that the accused has been falsely implicated in this case as there is no evidence of forceful sexual intercourse with the victim lady who is 60 years of age. He again submitted that charge sheet having already been submitted accused may be granted bail on any condition as would be deemed fit and proper by this court.

Ld. PP in-charge by producing the CD submitted that the VG in this case is an old and aged lady (60 years) which primarily shows the nasty mentality of the accused in committing the offence of rape. He further submitted that there are sufficient materials on record to substantiate the accusation u/s 64 of the BNS, 2023 and as such the accused should not be granted bail.

Ld Advocate for the defacto complainant raised objection against the bail prayer contending inter-alia that the victim lady since being an aged and ailing lady could not resist the accused of which full advantage was taken by the later and as such his bail prayer should be rejected.

As a matter of fact charge sheet having already been submitted in this case apprehension of tampering of prosecution evidence turns redundant. Besides, the medico-legal report of the victim lady prima facie substantiates no mark of external injury either in her private part or in any part of her body. It also eradicates any evidence of foreign body being found in her private part. Moreover, the victim lady did not even make specific allegation of rape by the accused while giving statement before the Ld Magistrate. No document or other evidence is found in the case record or in the CD which substantiate the victim lady to be that weak or infirm that she is not in a position to make minimum resistance. That being the position of the record and specially taking note of the period of detention of the accused and the fact of investigation having already been concluded, I find no justification in further detention of the accused.

Hence, it is,

Ordered

that the application u/s 483 BNSS registered as CMC No 87/2026 is hereby allowed and accordingly disposed of.

The accused/petitioner may find an interim bail of Rs.5,000/- with two sureties of Rs.2,500/- each out of which one must be local/ cash subject to the satisfaction of Ld. ACJM, Diamond Harbour with further condition that he shall appear before the Court of Ld. ACJM, Diamond Harbour on each and every date until the process of commitment is complete and shall not intimidate the prosecution witnesses and shall meet the IO once in a week until further order and shall comply with the provision of section 480 (3) of BNSS.

The interim bail shall remain in force till 17.04.2026.

Ld. ACJM, Diamond Harbour shall be at liberty to extend or confirm the interim bail and shall further be at liberty to modify any condition of the interim bail depending all the overall conduct of the accused.

Return the CD.

Let a copy of this order along with LCR be sent back to Ld. ACJM at Diamond Harbour for information and necessary action.

Dictated and corrected by me:

Sd/-

Dhiman Barman (WB00923)  
Additional Sessions Judge(I.C)  
Diamond Harbour, S. 24 Parganas

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Additional Sessions Judge(I.C)  
Diamond Harbour, S. 24 Parganas