

07.12.2021
tkm/ct 28
sl no. 95

C.R.M. 8031 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kulti P.S Case No.426 of 2021 dated 25.8.2021 under Sections 370A/372/376/120B of the IPC and 3/4/5/6 of the ITP Act

And

Allowed

In Re : Smt. Gita Devi & Ors.

..... petitioners

Mr. Debangana Bhattacharya
Mr. S Chatterjee

..... for the petitioners

Mr. S Bapuli
Mr. Soumik Gnguly

..... for the State

It is submitted on behalf of the petitioners that there is inordinate delay in lodging FIR.

It is contended that the petitioners had subjected the minor victim to prostitution. After a lapse of more than a decade, the victims have lodged the FIR.

Learned lawyer for the State opposes the prayer for bail and submits that the victims were minor at the time of occurrence.

We have considered the materials on record including the statements of the victims. Victims claimed they were subjected to prostitution by the petitioners when they were 9/10 years of age. Presently they are 26/27 years of age. Explanation with regard to delay in lodging FIR requires to be probalised in the course of trial.

However, in the facts and circumstances of the case, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Paschim Burdwan on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 8031 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)