

20.06.2022
cm/ct 28
sl no. 21

C.R.M. (DB) No. 1375 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Namkhana P.S Case No. 82 of 2015** dated **07.06.2018** under Sections **366A/370/370A/120B** of the Indian Penal Code, 1860 read with sections 16 & 17 of the Protection of Children from Sexual Offences Act, 2012 and read with sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act, 1956.

And

Allowed

In Re : Alia Bibi

..... petitioner

Mr. Pawan Kumar Gupta
Mr. Kaushik Chatterjee
Ms. Sofia Nesar
Mr. Santanu Sett

..... for the petitioner

Mr. Nguive Ahmed, Ld. A.P.P.
Ms. Trina Mitra

..... for the State

Petitioner is in custody for six years. There is inordinate delay in conducting the trial.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioner has suffered detention for more than six years. Trial has considerably progress and vulnerable witnesses have already been examined.

In view of the aforesaid materials on record and bearing in mind the fundamental right of the petitioner to speedy trial. We are of the opinion further detention of the petitioner would be an infraction of his right under Article 21 of the Constitution and she may be enlarged on bail.

Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned

ACJM, Alipore on condition that while on bail she shall remain within the jurisdiction of Namkhana police station except for the purposes of attending court proceedings and petitioner 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application being CRM(DB) No.1375 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)