

18.04.2023
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allowed

CRM(DB) No. 1423 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burtolla Police Station Case No. 24 of 2018 dated 08.03.2018 under Sections 366A/366B/370/372/373/120B of the Indian Penal Code and Sections 3/4/5 of the Immoral Traffic (Prevention) Act and Section 17 of the POCSO Act.

And

In Re : Murshida Pailan @ Nisha petitioner

Mr. Deepak Prahladka

Ms. Reshmi Khatun

....for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

.... for the State

Report filed in Court is placed on record.

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for five years. Vulnerable witness has been examined. Offences do not call for mandatory life imprisonment. There is little possibility of the trial concluding in near future. Keeping in mind the aforesaid circumstances and period of detention suffered by the petitioner, we are inclined to grant bail to her.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Bench-2, City Sessions Court at Calcutta, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the

witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)