

03.05.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1676 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P. S. Case No.1624 of 2022 dated 04.12.2022 under Sections 376/370/372/373/120B of the Indian Penal Code and Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Sections 4/8/12/17 of the POCSO Act and charge sheet submitted under Sections 376/370/372/373/120B of the Indian Penal Code and Sections 4/8/12/17 of the POCSO Act and Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act.

In the matter of : Payel Mukherjee.

.... Petitioner.

Ms. Sabana Hasin,
Mr. Siddhartha Sarkar,
Mr. Mobidur Hossain.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Subrato Roy.

...for the State.

Petitioner submits she is in the family way. She prays for bail.

In light of the aforesaid submission, report was called for. Report shows petitioner is pregnant and is expected delivery in August, 2023.

We have considered the materials on record. Offences are grave and involved trafficking in women. But petitioner is pregnant and purely on humanitarian grounds, we are inclined to release her on bail.

Accordingly, the petitioner viz., Payel Mukherjee 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 Judge, Special Court under

the POCSO Act, Berhampore, Murshidabad subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)