

19.06.2023

Sl. 36
Court No.29
Suvayan
(Allowed)

C.R.M. (DB) 2292 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kultali** P. S. Case No. **213 of 2022** dated **13.04.2022** under Sections **302/201** of the IPC, corresponding Special Case No. **123 of 2022** (Special Sessions Trial No. **91A of 2022**)

And

In the matter of: **Ajmira Gazi**

....petitioner

Mr. Bapin Baidya

...for the petitioner.

Ms. Z. N. Khan

Mr. Ashok Das

...for the State.

1. Heard the learned Counsel for both the parties.
2. Charge-sheet has already been filed. The case is based on circumstantial evidence admittedly and one confession of the petitioner before the special educator relating to sign language. Admittedly, it is a fact that the confession was made by the petitioner before the special educator while in police custody. Admissibility of the said confession is, therefore, left to be decided by the Trial Court during trial. So far as the pieces of circumstances are concerned the same do not point out unerringly to the guilt of the petitioner as submitted by learned Counsel for the petitioner.
3. It is submitted at the Bar that the petitioner is a deaf and dumb woman.
4. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, nature of evidence and completion of investigation in the meantime, it is directed that the petitioner shall be released on bail by the learned Judge, Special Court (POCSO Act), Baruipur, South 24 Parganas in Special Case No. 123 of 2022 (Special

Sessions Trial No. 91A of 2022) arising out of Kultali P.S. case No. 213 of 2022 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case.

5. Accordingly, the prayer for bail of the petitioner is allowed.
6. CRM (DB) 2292 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)