

09.08.2023
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allowed

CRM(DB) No. 2990 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpara Police Station Case No. 520 of 2018 dated 12.07.2018 under Sections 366A/370/370A/372/373/120B/34 of the Indian Penal Code read with Sections 3/4/5/7/9 of the Immoral Traffic Prevention Act and Sections 4/17 of the POCSO Act.

And

In Re : Kalpana Chakraborty & Ors. petitioners

Ms. Jeenia Rudra
Ms. Megha Chanda

....for the petitioners

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

.... for the State

Ms. Zothawpuii Varte

..... for the victim

Learned Counsel for the petitioners submits they are in custody for more than five years. It is also submitted that most of the vulnerable witnesses have been examined. Co-accused are on bail. They pray for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for one of the victims opposes the bail prayer.

We have considered the materials on record. Allegations are grave and involve trafficking of the victims for sexual exploitation. Petitioners are in custody for more than five years. Most of the vulnerable witnesses have been examined. Co-accused have been enlarged on bail. Under such circumstances, we are inclined to extend the same privilege to the petitioners.

Accordingly, we direct that the petitioners shall 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 Judge, Special Court under POCSO Act-cum-Additional Sessions Judge, 1st Court, Serampore, Hooghly, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

Trial court is directed to expedite the trial and conclude the same as early as possible without granting any unnecessary adjournment to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)