

18.09.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3369 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2023 in connection with Burtolla Police Station Case No.561 of 2012 dated 11.12.2012 under Sections 366A/120B/372/373 of the Indian Penal Code and Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act, 1956. (G.R. Case No.3597 of 2012)

And

In Re: ***Kabita Das***

... .. Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

... .. for the petitioner

Ms. Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than ten years. It is further submitted vulnerable witness i.e. the victim has been examined. Accordingly, she prays for bail.
2. Report is placed on record. From the report it appears victim has been examined.
3. Learned Advocate for the State submits victim of sexual crime may be given protection till the conclusion of trial.
4. We have considered the materials on record. Vulnerable witness i.e. the victim has been examined. Petitioner has suffered incarceration for more than ten years. Offences, even if proved, would not attract mandatory life imprisonment. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and she may be enlarged on bail however, subject to strict conditions.

5. Therefore, the accused/petitioner, namely **Kabita Das**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Additional Sessions Judge, Bench-II, City Sessions Court, Calcutta subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall remain within the municipal limits of the city of Kolkata and shall report to the Officer-in-charge, Burtolla Police Station once in a week until further orders.
6. 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.
7. The application for bail, thus, stands allowed.
8. It is true that the victim has been examined. However, she may be threatened and subjected to re-victimization or secondary victimization.
9. Trial court is directed to pass necessary order for grant of compensation to the victim as per extant schemes as well as for her protection and rehabilitation.
10. Parties shall communicate a copy of this order to the trial court as well as the Secretary, District Legal Services Authority for due compliance.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)

