

24.06.2024  
Item no. 32.  
Court No.28.  
AB  
(Allowed)

**CRM (DB) 703 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Dum Dum Police Station Case No.850 of 2021 Dated 5.8.2021 under Sections 366A/376/34 of the Indian Penal Code read with Sections 3/4/5/6/7/9/17 of the Immoral Traffic (Prevention) Act and Section 4 of the POCSO Act

And

**In the matter of : Sabita Senapati & Anr.**

**.....Petitioners.**

Mr. Loknath Paul .....for the Petitioners.

Mr. Soumik Ganguly .....for the State.

Report filed by the Investigating Officer in terms of the order dated 6.5.2024 passed by a Coordinate Bench, be kept with the records.

The petitioners are in custody for about two years and ten months. They say that witness action has not yet begun. There are 33 witnesses named in the charge sheet. They pray for bail in view of the undue delay in progress of the trial.

We are told that the charge sheet was filed on 18.11.21. Charge was framed on 4.4.2023, i.e., almost after a year and a half. The date fixed for recording of evidence is July 3, 2024.

We are at a loss to understand why there was such inordinate delay in the progress of the trial. Be that as it may, it is not the case of the prosecution that the petitioners are to be blamed for the delay in progress of the trial.

Keeping in mind the paramount importance of a citizen's right to receive speedy justice and fundamental right to

personal liberty as enshrined under Article 21 of the Constitution of India, we are inclined to enlarge the petitioners on bail, in spite of the allegations being serious, only on the ground of delay in progress of the trial.

Accordingly, we direct that the petitioners, namely, **Sabita Senapati and Ruma Mahapatra** 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 the POCSO Act at Barrackpore, North 24 Parganas, and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall cooperate with the investigation until further orders.

The 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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**

