

22.07.2024
Item no. 28.
Court No.28.
S.De
(Allowed)

CRM (DB) 2160 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 : Smt. Shyamali Bose.

.....Petitioner.

Mr. Debasis Kar,for the Petitioner.

Mr. Bibaswan Bhattacharjeefor the State.

Order dictated by Arijit Banerjee, J.

The petitioner claims parity. He refers to an order dated June 24, 2024, passed in CRM (DB) 703 of 2024, whereby a co-ordinate Bench granted bail to two co-accused persons solely on the ground of inordinate delay in progress of the trial. The petitioner says that she stands on the same footing as those co-accused persons.

Learned advocate for the State, in his usual fairness, does not dispute the aforesaid contention.

We, accordingly, allow this application for bail solely on the ground of delay in trial.

Accordingly, we direct that the petitioner, namely, **Smt. Shyamali Bose** 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 at Barrackpore, North 24

Parganas, and on further conditions that she shall not leave the jurisdiction of the concerned police station and shall cooperate with the investigation until further orders.

The petitioner 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 petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)