

03.09.2024
Item no. 21.
Court No.28.
AB
(Allowed)

CRM (DB) 2533 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Madhyamgram Police Station Case No.218 Dated 27.05.2019 under Sections 363/365/370/370A/372/373/376 of the Indian Penal Code read with Section 6/17 of the POCSO Act

And

In the matter of : Neha Debi @ Radhika & Anr.

.....Petitioners.

Mr. Biplab Roy,
Ms. Reshmi Royfor the Petitioners.

Ms. Amita Gaur,
Mr. Pervej Anamfor the State.

Mr. Kalidas Sahafor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they are innocent. They are in custody for over five years. Only 6 out of 14 charge sheet named witnesses have been examined. They pray for bail on the ground of undue delay in progress of the trial.
2. Learned Advocates for the State and the defacto complainant oppose the prayer for bail. They say that there is sufficient material on record to implicate the present petitioners in this case of child trafficking.
3. We have seen the deposition of the victim girl aged about 17 years plus at the time of the alleged incident

recorded before the learned Trial Court. Her evidence is completely contrary to her statement recorded under Section 164 Cr. P.C. and prima facie demolishes the prosecution case. She has been declared hostile by the prosecution.

4. In view of the above, we are inclined to allow this application for bail.
5. Accordingly, we direct that the petitioners, namely **Neha Debi @ Radhika and Swapna Das @ Rahima Begum** 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 Barasat, North 24 Parganas, and on further conditions that they shall not leave the jurisdiction of the concerned police station until further orders and shall cooperate with the investigation.
6. 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.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)