

41. 04.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3024 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Madhyamgram** Police Station Case No. **218** dated **27.5.2019** under Sections **363/365/370/370A/372/373/376** of the Indian Penal Code, 1860 read with Sections **6/17** of POCSO Act.

And
In the matter of: - **Maili Tamang @ Vibha Srivastava**

Mr. Biplab Roy
Ms. Rashmi Roy (Verma)
Mr. Saibal Bapuli, APP
Mr. Sufi Kamal
Ms. Mandira Mandal

...petitioner.
...for the petitioner.
...for State.
...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 3, 2024, passed in CRM (DB) 2533 of 2024, whereby two co-accused persons were enlarged on bail. The petitioner says that she stands on the same footing as those two co-accused persons.
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as those two co-accused persona who have been granted bail, as noted above.
3. Learned Advocate for the *de facto* complainant/victim says that her client does not oppose the prayer for bail.

4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Maili Tamang @ Vibha Srivastava** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), 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, Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 3024 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)