

17.02.2025
Item no.25.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 177 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Ketugram Police Station Case No. 165 of 2024 dated 20.03.2024** under **Sections 376A/302/201/120B of the Indian Penal Code** read with **Section 6 of the Protection of Children from Sexual Offences(POCSO) Act.**

And

In the matter of : Rubina Sultana @ Sahida Bibi.
.....Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Md. Hafiz Ali,for the Petitioner.

Mr. Madhusudan Sur, Ld. APP,
Ms. Eshita Dutta,for the State.

Ms. Minoti Gomes, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that she has no role to play in the alleged incident of matter or sexual assault of the victim. She is in custody for 11 months. The de facto complainant being the mother of the victim girl has turned hostile as a witness. The second prosecution witness being the uncle of the victim girl also does not implicate her. She prays for bail.

2. Opposing the prayer, learned State counsel says that there is sufficient incriminating material against this petitioner. Already 2 witnesses have been examined. Referring to the status report that learned counsel has filed in Court today (let the same be kept with the records), he tells us that the State proposes to

examine 8 more witnesses. The trial is likely to conclude within a short period of time.

3. The next schedule for examination of witnesses is February 27, 29 and March 1, 2025.

4. We have considered the facts and circumstances of the case. The de facto complainant has turned hostile. The uncle of the victim girl also, prima facie, does not seem to have implicated the petitioner.

5. On an overall consideration of the material-on-record and that the petitioner is a lady, we are of the view that further custodial detention of the petitioner is not necessary.

6. Accordingly, we direct that the petitioner, namely, **Rubina Sultana @ Sahida Bibi** 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 POCSO Act), Katwa, subject to the condition, the petitioner shall remain within the jurisdiction of Ketugram Police Station until further orders.

7. 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 in any manner whatsoever.

8. 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.

9. The application for bail is, accordingly, allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)