

CRM (DB) 389 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Dum Dum Police Station** Case No. **623 of 2022** dated **26.8.2023** under Sections **366A/370/370A/372/373/34** of the IPC and Sections 3/4/5/7/9 of the Immoral Trafficking Prevention Act and Sections 6/17 of the POCSO Act.

- A n d -

In the matter of : Kumkum Chakraborty @ Mousumi

.... Petitioner.

Mr. Subhajit Chowdhury,

... For the Petitioner.

Mr. B. Bhattacharyya,

Ms. S. Chattopadhyay,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the defacto complainant/victim.
3. From the report filed by the State we see that the victim girl could not be traced at the last known address. Hence, service of this bail application could not be effected on her.
4. The petitioner claims parity citing an order dated January 15, 2025 passed in CRM (DB) 3845 of 2024, whereby a co-accused person by the name of Nazma Bibi was enlarged on bail by a coordinate bench primarily on the ground of long detention of that person and delay in progress of trial. The petitioner says that she stands on the same footing. She is in custody for two years five months. Only 1 out of 16 charge sheet named witnesses has been examined.
5. Learned State Advocate opposes the bail prayer. He says that this petitioner is the kingpin of the trafficking racket. However, in his usual fairness he does not dispute that this

petitioner is similarly circumstanced as Nazma Bibi, who was granted bail, in so far as the period of detention and delay in progress of trial are concerned.

6. Hence, on the ground of parity, we enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Kumkum Chakraborty @ Mousumi**, 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 Special Court under the POCSO Act, Barrackpore, North 24 Parganas subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of the district of North 24 Parganas except for the purpose of attending court proceedings and shall give her present residential address to the I.C of the concerned police station as well as to the Learned Trial Court.

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.)**