

25.04.2025

Item No.06

Ct.No.34

rc.

Allowed

C.R.M. (M) 184 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burtolla Police Station Case No. 12 of 2016 dated 11.01.2016 under Sections 366B/370/372/373/120B of the Indian Penal Code and Sections 3/4/5/6/7 of the Immoral Traffic Prevention Act, 1956.

And

In Re : **Nazma Begum @ Nazma Khatun @ Mohua @ Pakhi**
... Petitioner

Md. Babul Hussain
Ms. Sikha Biswas
Ms. Sadia Zarreen
Ms. Paushali Pal ... for the Petitioner

Mr. Soumik Ganguly
Mrs. Debjani Sahu ... For the State

Heard learned counsels for the parties.

The petitioner seeks parity with co-accused who are on bail. The petitioner is in custody for more than nine years and appears to be similarly circumstanced with the co-accused in so far as the period of her detention is concerned.

Learned counsel for the State opposes the prayer.

In view of the fact that the petitioner is similarly circumstanced with the co-accused in so far as her period of detention is concerned, she is entitled to the same benefit solely on the touchstone of Article 21 of the Constitution of India without going into the merits of the case.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Nazma Begum @ Nazma Khatun @ Mohua @ Pakhi**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Calcutta, subject to condition that the petitioner shall not leave the jurisdiction of Burtolla Police Station and shall furnish the address where she shall henceforth reside before the learned Trial Court and the Investigating Officer. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as mentioned above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)