

11.09.2025
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Court No.42
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(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1620 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with C.Special Case No. 62 of 2024 arising out of Hariharpara Police Station Case No. 272 of 2024 dated 09.05.2024 under Sections 363/365/34 of the Indian Penal Code and adding Section 376(3) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 now pending before the learned Judge, Special Court under POCSO Act, Murshidabad at Berhampore.

In Re : **Sokena Bibi**

.... Petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahman

...for the Petitioner

Mr. Soumik Ganguly
Mr. Abhishek Verma

...for the State

Mr. Binay Show

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the petitioner is the mother of the principal accused. Charge sheet has been submitted against the petitioner under Section 363/365/34 of the Indian Penal Code. The statement of the victim before the investigating agency under Section 161 of Cr.P.C. is exonerative. However, subsequent thereto, the victim improved her statement by making bald allegation before the Magistrate. The medical examination report does not support the case of the prosecution. The petitioner is in custody for about 175

days and upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.

2. Learned Advocate for the State, opposing such prayer for bail, submits that the victim implicates this petitioner of aiding her son for selling the victim to the third party. The victim has been recovered from the house of the petitioner. He seeks for dismissal of the bail application.
3. Learned advocate for the *de facto* complainant submits that the victim was taken away and was kept in confinement. However, he leaves the matter to the discretion of this Court.
4. Perused the case diary and the materials on record.
5. The victim has been recovered on 10th May, 2025 from the house of the petitioner. Be that as it may, in her initial statement before the investigating agency, there are no such allegations made by the victim against the petitioner. The present petitioner is the mother of the principal accused. Subsequent thereto, the allegation has been levelled against the parents of the principal accused of aiding and abetting the offence. Such allegation of abetment may be examined in trial. The petitioner is in custody for 175 days and upon completion of investigation chargesheet has been submitted. Considering the above, I am inclined to grant bail to the petitioner on certain conditions.
6. Accordingly, the petitioner, **Sokena Bibi**, 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 a local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Murshidabad at Berhampore subject to the conditions that the petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

7. In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
8. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
9. Accordingly, the application for bail being **CRM (M) 1620 of 2025** is disposed of.

(Bivas Pattanayak, J.)