

30.01.2025
Item no. 19.
Court No.29.
AB
(Allowed)

CRM (DB) 3589 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burtolla Police Station Case No.162 of 2022 Dated 28.07.2022 under Section 366B/370/372/373/120B of the Indian Penal Code read with Sections 4/17/21 of the POCSO Act and Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act

And

In the matter of : Hema Devi

.....Petitioner.

Mr. Joy Chakraborty,
Mr. Pradeep Kr. Singh,
Mr. Amit Singh for the Petitioner.

Mr. Rudradipta Nandy, Id.APP
Ms. Nahid Ahmed for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated January 15, 2025.
2. The State files a status report. Let the same be kept with the records.
3. The victim girl is presently in Nepal. She is a Nepalese national. Service could not be effected on her.
4. Learned APP tells us and as would appear from the report that efforts are being made to secure the presence of the victim girl before the learned Trial Court, physically or virtually through diplomatic channels. However, the same shall take at least 10-12 weeks.
5. The petitioner is in custody for about two years and four months. She is a lady aged about 60 years. The charges

against her are no doubt grave. However, we do not see the possibility of an early conclusion of the trial. In fact, nobody can say when the trial will conclude although the report filed by the State indicates that once the victim girl is examined, the trial is likely to conclude within the next one year. Only 1 out of 18 charge sheet named witnesses has been examined.

6. Without touching the merits of the case, considering the long detention of the petitioner and seeing that an early conclusion of the trial is a distant possibility, we are constrained to grant bail to the petitioner.
7. Accordingly, we direct that the petitioner, namely **HEMA DEVI** 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 the POCSO Act at Calcutta, and on further conditions that she shall not enter the jurisdiction of Burtolla Police Station until further orders and shall provide the address where she shall presently reside to the Officer in Charge of the Burtolla Police Station and the Officer in Charge of the jurisdictional police station within whose jurisdiction she shall presently reside. The Officer in charge of the Police Station under whose jurisdiction she will reside currently, shall send at least one lady constable to the

house of the petitioner twice a week to check her whereabouts.

8. 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 and/or commit any cognizable offence in any manner whatsoever.
9. 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.
10. The application for bail is, accordingly, allowed.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

