

15.01.2025
Item no.28.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3845 of 2024

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 **Dum Dum Police Station Case No. 623 of 2022** dated **26.08.2022** under **Sections 366A/370/370A/372/373/34 of the Indian Penal Code & Section 3/4/5/7/9 of the Immoral Trafficking Prevention Act & Section 6/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012.

And

In the matter of : Nazma Bibi.

.....Petitioner.

Mr. Arindam Jana,
Mr. Subhojit Chowdhury,for the Petitioner.

Mrs. Subhasree Patel,
Mr. Dipankar Mahata,for the State

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We see from the report that the prosecution intends to examine 12 more witnesses. The petitioner is in custody for about 2 years and 5 months. We do not see any possibility of an early conclusion of the trial. The petitioner is a lady.
3. We have said time and again that however strong the case of the prosecution may be, the same would not justify prolonged custodial detention of an accused person keeping the trial pending. In the present case, we do not find that the petitioner can be

blamed to any extent for the delay in progress of trial.

4. Without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Nazma 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), Barrackpore subject to the conditions that she shall not leave the jurisdiction of the learned trial Court, until further orders.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.

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

(Ajay Kumar Gupta, J.)

(Arijit Banerjee, J.)