

28.03.2025
Item no. 35.
Court No.29.
AB
(Allowed)

CRM (DB) 313 of 2025

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 Khardah Police Station Case No.794 of 2023 Dated 06.12.2023 under Section 323/506/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act

And

In the matter of : Gulsan Begum @ Disha

.....Petitioner.

Ms. Swarnali Sahafor the Petitioner.

Mr. Binay Kr. Panda,
Mr. Raju Mondalfor the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. Learned Advocate for the petitioner shows us an order dated March 11, 2025, passed by the learned Trial Court, whereby an accused person by the name of Sakti Hela has been enlarged on bail. Learned Trial Court recorded that Sakti Hela was in custody for a long time and the prosecution has failed to produce witnesses. Hence, bail was granted.
3. Learned Advocate for the petitioner tells us that Sakti Hela is the principal accused in the matter. He having

been granted bail, the present petitioner should also be granted bail. On the last six occasions the victim girl or the defacto complainant, being the victim girl's elder sister, failed to turn up before the learned Trial Court.

4. Learned State Counsel, in his usual fairness, agrees that Sakti Hela is the prime accused and that witnesses are not attending the Trial Court.
5. In view of the aforesaid and considering that the petitioner is already in custody for one year four months, we are of the view that the petitioner deserves to be granted bail.
6. Accordingly, we direct that the petitioner, namely **GULSAN BEGUM @ DISHA** 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 Barrackpore, North 24 Parganas, and on further conditions that she shall not enter the jurisdiction of Khardah Police Station until further orders.
7. 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.

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.)