

23.02.2026
Serial no. 76
[G.S.D]

CRM (M) 315 of 2026

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the BNSS, 2023 in connection with Sessions (P) case no. 63 of 2025 arising out of Raina Police Station Case No. 379 of 2023 dated 17.08.2023 u/s 363/365/34 of the IPC corresponding to CBI, SCB, Kolkata Case No. RC 0562024S0004 of 2024 dt. 16.02.2024 u/s 120B r/w sections 363/365/366/368/370/370A/376(3) of the IPC and Sections 4/6 of the POCSO Act and Sections 9/10 of the POCSO Act 2006 and Sections 3(2)(v) of the SC&ST (PoA) Act, 1989.

-And-

In the matter of : Sarmila Begam Sk @ Sarmila Begam Khatun @ Maju ki Bibi

... Petitioner(s)

Mr. Uday Sankar Chattopadhyay
Ms. Sadia Parveen

... for the Petitioner(s)

Mr. Amajit De

... for the CBI, Special PP

Learned advocate for the petitioner submits that the petitioner is in custody for a period of six months and is innocent of the charges. According to the learned advocate, the complicity of the present petitioner as alleged in the evidence collected by the CBI fails to makes out any case.

It is stated that the petitioner is a maid servant and had been working under compulsion because of ailment of her husband having two daughters.

Learned advocate for the CBI submits that the victim was recovered from Jodhpur, Rajasthan. According to the learned advocate, there is chain of events and in a part of

the chain, the petitioner is allegedly shown to have complicity.

Having considered the proposition laid down in [*Pinki-vs- State of Uttar Pradesh and another, reported in (2025) 7 SCC 314*], I am of the view that the offence of such nature requires much more sensitivity to be dealt with, the trial of the case has commenced, only three witnesses have been examined till date.

Having taken into account the gravity of the offence, at this stage, I am not inclined to enlarge the petitioner on bail when the evidence of the victim till date is awaited.

Hence, the prayer for bail of the petitioner is **Rejected.**

However, the petitioner would be at liberty to approach this court after the evidence of the victim is over.

Accordingly, CRM(M) 315 of 2026 is **dismissed.**

Report submitted by the CBI be kept with the record.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)

