

GAHC010024572023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./458/2023

JANMONI DAS
W/O- SRI TANMOY DAS, R/O- HOUSE NO. 63, LACHIT NAGAR, BISHNUPUR,
P.S. BHARALUMUKH ,GUWAHATI, DIST. KAMRUP METRO.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. A BHATTACHARYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

20.02.2023

Heard Mr. A. Bhattacharjee, learned counsel for the accused and Mr. P.S. Lahkar, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused, namely, Smti Janmoni Das, who has been languishing in jail hazot since 28.12.2022, in connection with the All Women P.S. Case No. 92/2022, under Sections 120(b)/343/371/376/506 of the IPC read with

section 3 of the Immoral Traffic [Prevention] Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by informant Smti X [name withheld] of Golaghat, Assam, on 27.12.2022, to the effect that with a view to take beautician course at Guwahati she came to Guwahati along with one Pallabi Kalita who kept her at a Hotel situated at Paltanbazar. Thereafter, she introduced her with one Janmoni Das, owner of unisex parlour "Opus" situated at Ulubari, near Hanuman Mandir, and in the said parlour she was forced to engage in sexual activities with the male customers against her will, and treated her like a sex slave.

4. Mr. Bhattacharjee, learned counsel for the accused submits that this is the second bail application preferred by the accused and the first one was rejected by this court vide order dated 18.01.2023, in BA No. 51/2023. Mr. Bhattacharjee further submits that the ground for filing this second application is that the petitioner is a lady and she has been languishing in jail hazoot for last 55 days and her husband is also languishing in jail hazoot and that she has a minor baby, who has been suffering from childhood depression, due parental separation for long period and that there is none to look after him and that she is ready to cooperate with the investigating agency and that though the case has been registered under sections 120(b)/343/371/376/506 of the IPC read with section 3 of the Immoral Traffic [Prevention] Act, yet, neither section 371 nor 376 of the IPC is attracted in the case of the petitioner, and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Lahkar, learned Additional Public Prosecutor has produced the case diary before this Court and opposed the petition on the ground that the allegations against the accused are serious in nature and that

the investigation is still going on, and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of Mr. Lahkar, learned Additional Public Prosecutor and also perused the medical document annexed with the petition as Annexure No. 7 at page No. 49.

7. It appears from the medical document annexed with the petition as Annexure No. 7 at page Nos. 49 and 50 and that the son of the accused is suffering from childhood depression due to parental separation for long period and doctor advised for his immediate parental care and support. Further, it appears from the case diary that the accused is a lady and she has been languishing in jail hazard for last 55 days.

8. Having considered above, especially the medical condition of the child of the accused this court is inclined to allow this petition and accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only, with one surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Kamrup (M) at Guwahati, the accused be enlarged on bail.

8. In terms of above, this bail application stands disposed of.

9. The case diary be returned.

JUDGE

Comparing Assistant