

GAHC010140662023



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

Case No. : Bail Appln./2277/2023

AZIRON NESSA @ PINKI
W/O- SHAKIR AHMED ZAHIR @ SHAKIN AHMED, R/O- VILL- HATIMURIA,
P.S. MAIRABARI, DIST.- MORIGAON, ASSAM, PRESENT ADDRESS- HOUSE
NO. ANUPAM NAGAR HATIGAON, P.O. AND P.S. HATIGAON, GUWAHATI-
781038, DIST.- KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY P.P., ASSAM

2:SI(P) BISHNU PRASAD BHUYAN
C/O- PATACHARKUCHI POLICE STATION
DIST.- BARPETA
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 24-07-2023

Heard Mr. H.R.A.Choudhury, learned Senior counsel, assisted by Mr.

S.U. Ahmed, learned counsel for the petitioner. Also heard Mr. R.J. Baruah, learned Additional Public Prosecutor, Assam.

This instant application under Section 439 of the Code of Criminal Procedure has been preferred by one, Aziron Nessa @ Pinki, who has been detained behind the bar since 27.05.2023 in connection with Patacharkuchi P.S. Case No. 256/2023 under section 370/370(A)/372/34 of the Indian Penal Code read with section 4/6 of POCSO Act, 2012 and section 4/5 of Immoral Trafficking (Prevention) Act, 1956.

The accusation in this case is that on 25.05.2023, one Bishnu Prasad Bhuyan, Sub-Inspector of Patacharkuchi Police Station before the Officer-in-Charge of Patacharkuchi Police Station *inter-alia*, alleging that on receipt of a secret information from reliable sources that one Maruti car bearing No. AS-01-PC-1760 which was coming from Guwahati to Kokrajhar by National Highway No. 37 and is involved in Immoral Trafficking of women and children, a naka checking was conducted at about 1 A.M. at night and during checking the said vehicle was intercepted and two accused persons, namely, Bandana Deka and driver Nipan Das along with three victim women and two children were recovered therefrom. During interrogation, it was revealed that the victims were brought for the purpose of selling them at Guwahati for prostitution. Though the FIR has named a few accused persons who are involved in the offence alleged in the FIR, however, the present petitioner has not been named in the FIR. On receipt of the said FIR, Patacharkuchi P.S. Case No. 256/2023.

Learned Senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case, though she has not been specifically named in the FIR.

It is also submitted by the learned Senior counsel for the petitioner that the main accused of the alleged offence, namely Ashia Begum @ Marjina Begum@ Pinki and one Rajdeep Poddar, have already been granted bail by a co-ordinate bench of this Court on the ground that investigation of Patacharkuchi P.S. Case No. 256/2023 has progressed fairly as well as on the ground of a period of detention already undergone by the main accused persons which was 55 days when the said bail order was passed. In the said case, the present petitioner has already completed 58 days of detention.

Learned Additional Public Prosecutor has placed the case diary of Patacharkuchi P.S. Case No. 256/2023 which was requisitioned in this case and has submitted that from the present petitioner an amount of Rs. 1,37,226 (Rupees One Laks Thirty-Seven Thousand and Two Hundred and Twenty-Six) was recovered and there are materials to show in the case diary that the present petitioner is also an associate of the other accused persons who are named in the FIR. However, he has fairly submitted that the investigation has otherwise progressed fairly.

I have considered the submissions made by learned counsel and have perused the materials available on record including the case diary of Patacharkuchi P.S. Case No. 256/2023. As the main accused persons who were named in the FIR and were arrested in connection with this case have already been granted bail by a co-ordinate bench of this Court as well as considering the fact that the present petitioner has already undergone detention of 58 days as well as considering the progress made in the investigation of Patacharkuchi P.S. Case No. 256/2023, this Court is of the considered opinion that further custodial detention of the present

petitioner may not be necessary for fair completion of the investigation of Patacharkuchi P.S. Case No. 256/2023.

In view of above, the petitioner, namely, Aziron Nessa @ Pinki, is hereby allowed to go on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the learned Special Judge (POCSO), Bajali, with the following conditions :- (i) the petitioner shall co-operate with the Investigating Officer of Patacharkuchi P.S. Case No. 256/2023, (ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witness and (iii) the petitioner shall refrain from committing any offence similar to that with which she has been accused of in the instant case.

With the above observation, this bail application is hereby disposed of.

JUDGE

Comparing Assistant