

GAHC010152922023



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

Case No. : Bail Appln./2449/2023

BANDANA DEKA
W/O PRASENJIT PODDAR,
R/O UMRANGSHU MARKET,
P.S. UMRANGSHU, IN THE DISTRICT OF DIMA HASAO, ASSAM, PIN-788931

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S S S RAHMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

19.07.2023

Heard Mr. S.S.S. Rahman, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Bandana Deka** has prayed for grant of bail in connection with **Patacharkuchi P.S. Case No.256/2023** under Sections **370/370A/372/34** of the IPC read with Sections **4/6** of the POCSO Act, 2012 read with Sections **4/5** of the Immoral Traffic (Prevention) Act, 1956.

The case diary, as called for, is placed before the Court.

The F.I.R reveals the allegation that on 24.05.2023, at about 11.30 p.m., the Officer-in-Charge of Patacharkuchi P.S. received secret information from reliable source that one Maruti Alto Car bearing Registration No. AS-01PC-1760 was coming from Guwahati to Kokrajhar via NH-27 for the purpose of prostitution and immoral trafficking of women and children. Accordingly, naka checking was conducted by police and the accused petitioner and one Nipan Das along with three victim girls and two children were caught red handed. During interrogation the victims stated that they were forcibly brought from Guwahati by the accused petitioner with the help of Nipan Das to sell them for prostitution. They also stated that one Asia Begum @Marjina Begum@Pinki, Akkash Ali@ Kana, Samsul Haque and Rajdeep Poddar have been running a racket of prostitution as well as immoral trafficking of women and children at various places in Guwahati. On the basis of information, police conducted search operation in the houses of the accused persons and apprehended them along with cash amount of rupees one lakh seven thousand from the possession of Akash Ali and Ashia Begum @Marjina Begum.

It is noticed that the accused petitioner has been in judicial custody since 25.05.2023, that is, for 56 days.

Perusal of the case diary along with the statements of the three victim women, two of whom were divorcee and major and one was minor, stated to be aged about 17 years, recorded u/s 161 and 164 Cr.P.C., it is revealed that the accused petitioner was caught red handed with the victims while proceeding to Kokrajhar. There is prima facie sufficient evidence showing that the accused petitioner was directly involved in flesh trade. The investigation is yet to be completed.

Therefore, this Court is of the opinion that in the backdrop of facts and evidence so far collected by the investigating officer, if the liberty of bail is granted to the accused petitioner, the ongoing investigation is likely to be adversely affected.

Accordingly, the bail application of the accused petitioner stands **rejected**.

Return the case diary.

The bail application stands disposed of.

JUDGE

Comparing Assistant