

GAHC010232852023



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

Case No. : Bail Appln./3710/2023

AMINA DEWAN
D/O- JABED DEWAN, R/O- VILL.- KHONGRA (MALIPARA), P.O. CHENIMARI,
P.S. TARABARI, DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE P.P., ASSAM

Advocate for the Petitioner : MR. M I HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 07.11.2023

Heard Mr. M. I. Hussain, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, *Amina Dewan* who has been detained behind the bar since 29.08.2023 in connection with Tarabari P.S. Case No. 68/2023 under Section 120(B)/420/406/370 of the Indian Penal Code.

The gist of accusation in this case is that on 28.08.2023, the victim/informant lodged an FIR before the Officer-in-Charge of Tarabari Police Station, *inter alia*, alleging that the accused persons named in the FIR including the present petitioner are involved in women trafficking gang and the first informant was taken to Delhi by train by accused No. 3 with the help of the present petitioner and she was sold in a brothel and was forced to engage in immoral sexual work. It was also alleged in the FIR that when the first informant refused to do the said work, she was physically assaulted also.

Learned counsel for the petitioner has also submitted that the petitioner is a mother of an infant baby of 2½ years of age who is also staying along with the petitioner in jail. It is also submitted that the petitioner has already behind the bar for more than 70 days and considering the period of detention and considering the fact that she is a mother of a infant baby, the prayer for bail is made. It is also submitted that the present petitioner is in no way connected with the offence alleged in the FIR and she has been falsely implicated in the FIR.

On the other hand Mr. P. Borthakur, Additional Public Prosecutor has produced the case diary of Tarabari P.S. Case No. 68/2023, which was called for in connection with this case and has submitted that there are sufficient incriminating materials against the present petitioner and considering the nature of offence involved in this case, he vehemently opposed to grant bail to the present petitioner.

I have considered the submissions made by learned counsel for both sides and have perused the materials in the case diary.

On perusal of the material available in the case diary including the

statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973 as well as statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, it appears that there are sufficient incriminating materials against the present petitioner in the case diary and considering the serious nature of offence involved in this case, this Court is not inclined to grant bail to the present petitioner at this stage of investigation. Hence, the prayer for bail is rejected.

This case is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant