

15.06.2022

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rejected

C.R.M. (DB) 1751 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baduria Police Station Case No. 815 of 2016 dated 22.11.2016 under Sections 369/370(5)/315/120B/34 of the Indian Penal Code read with Sections 75/80/81 of the Juvenile Justice (Care & Protection) Act, 2015.

And

In Re : Prava Pramanik @ Prabha Pramanik petitioner

Mr. Jayanta Narayan Chatterjee
Ms. Paromita Mukhopadhyay
Mr. Dwaipayan Chatterjee
Ms. Nandini Chatterjee
Mr. Nazir Ahmed
Ms. Jayshree Patra
Ms. Ritushree Bannerjee
... for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Madhusudan Sur, learned APP
Mr. Dipankar Paramanick
... for the State

Learned Counsel appearing for the petitioner submits that she is in custody for more than five years. She prays for bail. It is also submitted that co-accused has been granted bail by this Court.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered the materials on record. There are prima facie materials connecting the petitioner with the grave crime of trafficking in new born babies.

In view of gravity of the offence and as the trial appears to be at a matured stage and since co-accused had been

enlarged on bail primarily on the ground she is a septuagenarian lady suffering from gangrene in both legs, we are of the opinion petitioner does not stand on the same footing with her and is not entitled to be released on bail.

Accordingly, we are not inclined to grant bail to the petitioner.

The application for bail is, thus, rejected.

In view of protracted period of detention of the petitioner, trial court is directed to positively conclude the trial within six months from the next date of hearing without fail.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)