

02.09.2022.
17.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2967 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basanti P.S. Case No.877 of 2019 dated 20.12.2019 under Sections 363/365 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act and Sections 5/6/7 of Immoral Traffic (Prevention) Act.

In the matter of : Gomathi Eshwari @ Nish Rani.
....Petitioner.

Mr. Arindam Sen,
Mr. Sagnik Bhattacharya,
Md. Sahinurzaman.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.
...for the State.

Mr. Kaushik Gupta,
Mr. Debayan Sen.
...for the de-facto complainant.

Petitioner is in custody for 204 days. It is submitted principal accused is on bail. It is also submitted petitioner has not been named by the witness and was described by a different name in course of T. I. Parade.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is a middle man who procured minor girls for sexual exploitation. Principal accused has been released on statutory bail.

We have considered the materials on record. Petitioner was identified by the victims in course of T. I. Parade. Incorrect name ascribed to the petitioner is of little consequence in the light of her physical identification by the witness. Materials on

record show she played vital role in procuring minor girls for sexual exploitation. Co-accuseds have been granted statutory bail.

Keeping in mind the aforesaid incriminating materials and gravity of offence which has deep ramifications in society and the possibility of winning over of vulnerable witness, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is directed to consider the issue of framing of charge on the next date fixed and if it is unable to do so positively within a month thereof and in the event charge is framed to take the proceeding to its logical conclusion without granting unnecessary adjournment to either of the parties.

Needless to mention any delay or dilation at the end of the co-accuseds who are on bail should be strictly viewed and if necessary their bail be cancelled in accordance with law.

Copy of this order be sent down to the court below for necessary action.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)