

AD 06-08
Ct No.01
Jalpaiguri
10.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (DB) 266 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.07.2022 in connection with Kotwali Police Station Case No. 119 of 2017 dated 19.02.2017 under Sections 370(5)/420/417/468/120B/34 IPC, 1860, read with Sections 75/80/81 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

And

In the matter of: Debasish Chanda

.... petitioner

Mr. Sekhar Kumar Basu,
Mr. Arnab Saha,
Mr. Abhimanyu Banerjee

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

With

CRM (DB) 82 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Kotwali Police Station Case No. 119 of 2017 dated 19.02.2017 under Sections 370(5)/420/417/468/201/120B IPC, 1860 and Sections 75/80/81 of Juvenile Justice Care and Protection Act, 2015.

And

In the matter of: Sasmita Ghosh

.... petitioner

Mr. Sandipan Ganguly,
Mr. Alokesh Chakraborty,
Mr. Sudip Guha,
Mr. Aniruddha Bhattacharjee,
Mr. Sanghai Chowdhury

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

With

CRM (DB) 103 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.02.2023 in connection with Kotwali Police Station Case No. 119 of 2017 dated 19.02.2017 under Sections 370(5)/420/417/468/120B/34 of the IPC, 1860 and read with Sections 75/80/81 of Juvenile Justice Care & Protection of Children Act, 2015.

And

In the matter of: Manash Bhowmick

.... petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Kallol Acharjee,
Mr. Arjun Chowdhury

... for the State

CRM (DB) 266 of 2022, CRM (DB) 82 of 2023 and CRM (DB) 103 of 2023 are taken up for hearing together, since all three matters arise from the same alleged offence.

The petitioner in CRM (DB) 266 of 2022, namely, one Debasish Chanda, as it transpires upon hearing learned counsel and from the materials on record, was a member of the concerned Child Welfare Committee (CWC) against which the principal allegation of the racket regarding child trafficking has arisen.

Although the petitioners are justified in submitting that out of the 74 witnesses, only 17 have been examined as yet and the conclusion of the trial is still uncertain, we are of the opinion that the gravity of the charges levelled against the said Debasish Chanda, the

petitioner in CRM (DB) 266 of 2022, is grave enough to refuse bail. That apart, the said petitioner, if enlarged on bail, is sufficiently capable of influencing the trial and other witnesses.

As such, CRM (DB) 266 of 2022 is dismissed, thereby refusing the prayer for bail of Debasish Chanda.

Inasmuch as the petitioner in CRM (DB) 82 of 2023 is concerned, namely, Sasmita Ghosh, we find from the materials on record that the nature of allegation against her was indirect involvement in the sense that she was the concerned DCPO (District Child Protection Officer), who was in charge of visiting the said home occasionally and of supervision.

In view of the nature of the allegations levelled against her being on a lesser footing, we find that the period of custody already suffered by her is sufficient to grant bail.

Accordingly, CRM (DB) 82 of 2023 is allowed, thereby granting bail to the petitioner, namely, Sasmita Ghosh, on condition that the petitioner furnishes a bond of Rs.50,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. The petitioner shall attend on each and every date of trial and shall not leave the territorial jurisdiction of the police station in which she is residing till the conclusion of the trial, except for the purpose of attending the trial.

Moreover, the petitioner (Sasmita Ghosh) shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from

disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

In CRM (DB) 103 of 2023, the petitioner Manash Bhowmick is one of the accused persons, against whom the allegation is also extremely serious inasmuch as allegedly he had destroyed all evidence of the alleged crime, being the brother of the principal accused Chandana Chakraborty.

As such, despite the period of incarceration suffered, we are not inclined to grant bail to the petitioner, namely, Manash Bhowmick at the present juncture.

Accordingly, CRM (DB) 103 of 2023 is also dismissed, thereby refusing the prayer for bail of the petitioner, namely, Manash Bhowmick.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)