

15.06.2023
Court No.1
Item No.10
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (DB) 319 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 752 of 2022 dated 13.07.2022 under Sections 14 of the Foreigners Act.

And

In Re: **Ayesha Begam**

Petitioner

Mr. Kallal Ghosh
Mr. Rajkumar Gupta
Mr. Dhana Singha Sarkar
Mr. Kishan Sah
Mr. Rakesh Gupta
Mr. Utpal Dutta

For the Petitioner

Mr. Aditi Shankar Chakraborty
Mr. Biswarup Roy

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and she is the victim of trafficking.

The learned Counsel for the State, however, opposes the prayer for bail.

We have perused the case diary. It, prima facie, appears from the records that she is a victim of trafficking and she is in custody for almost two years. She is incarcerated with a female child.

In view of the aforesaid, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on Personal Recognizance (P.R.) Bond.

The petitioner may be repatriated in terms of the Notification of the Ministry of Home Affairs (Foreigners Division), Government of India, being Notification No.14051/14/2011-F.VI, dated 1st May, 2012.

The District Legal Services Authority concerned, shall take immediate steps for her repatriation.

Before the repatriation takes place, the statement of the victim shall be recorded by the learned Trial Court and she may be released on Personal Recognizance (P.R.) Bond after her statement is recorded by the learned Trial Court by 19th June, 2023.

Till such repatriation takes place, it will be the responsibility of the Government to provide a safe home to the petitioner for staying with the child.

The application for bail is allowed. CRM (DB) 319 of 2023 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Raja Basu Chowdhury, J)

(Soumen Sen, J)