

16.06.2023
Court No.1
Item No.9
Rejected

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

sg

CRM (DB) 329 of 2023

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

And

In Re: **Sonali Mandal**

Petitioner

Mr. Kallal Ghosh

For the Petitioner

Mr. Abhijit Sarkar
Mr. Biswarup Roy

For the State

1. This is an application for renewal of bail. It is submitted that a co-ordinate Bench granted bail to one of the co-accused persons on 8th May, 2023 in CRM (DB) 227 of 2023 and three persons, as on date, have been granted bail during the pendency of trial. The petitioner is only a staff member of the Adoption Committee connected to an N.G.O. of which the principal accused is the head. It appears that a similar prayer was made before a co-ordinate Bench on 14th September, 2022 and the prayer for bail was rejected with the following observations:

“The petitioner submits that she is only a staff member of the Adoption Committee connected to an N.G.O. of which the principal accused is the Head.

The Adoption Agency runs in the name and style of an N.G.O. and, being only a staff member, the petitioner had no role to play in the alleged

trafficking and/or sale of new born babies as made out in the case under reference.

It is further submitted that a co-accused, one Ms. Juhi Chowdhury, has obtained bail from the Hon'ble Apex Court.

Per contra, Learned Counsel for the Prosecution submits that although being a staff member of the said Adoption Agency, the role of the petitioner in the illegal transfer of babies away from their biological parents stands established during investigation.

The Prosecution further submits that the case concerns a deep-rooted racket of illegal sale of babies. It is submitted that the Charge Sheet has been submitted and the trial is proceeding.

At this stage, if the prayer of the petitioner for grant of bail is allowed, there is every reason that the evidence will be influenced.

Having considered the rival submissions and closely considering the materials placed, this Court is of the view that the petitioner does not deserve the privilege of bail."

2. The Special Leave Petition was also dismissed by the Hon'ble Supreme Court on 22nd February, 2023 with a request to the Trial Court to conclude the trial as expeditiously as possible, preferably within a period of six months from that date.
3. The period of six months have not yet expired. This application is, accordingly, pre-mature and accordingly stands dismissed.
4. We request the learned Trial Court to take note of the order passed by the Hon'ble Supreme Court dated 22nd February, 2023 and follow Section 309 of the Code of Criminal Procedure for expeditious disposal of the criminal matter keeping in view that it involves child trafficking and delay in disposing the trial might enure the benefit of the accused persons.
5. We direct the prosecution to strictly adhere to the timeframe and shall not pray for any adjournment on any ground whatsoever. The prosecution

witnesses shall be present on the date fixed. It would be the responsibility of the District PP to ensure presence of all the witnesses. The SOP with regard to official witnesses shall be strictly followed.

6. The application for bail is rejected. CRM (DB) 329 of 2023 is, accordingly, disposed of.
7. 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)