

26.04.2024
Sl. No.21
akd
[Rejected]

C. R. M. (DB) 1092 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2024 in connection with Canning Police Station Case No.374 of 2018 dated 12.06.2018 under Sections 120B/363/366A/368/370/370A/372 of the Indian Penal Code and Sections 6/17 of the POCSO Act.

And

In Re: **Amina Sk.**

... .. Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

... .. for the petitioner

Mr. Bibaswan Bhattacharya

... .. for the victim

Ms. Sreyashee Biswas
Ms. Madhumita Basak

... .. for the State

1. It is submitted on behalf of the petitioner that she is in custody for more than six years. It is further submitted petitioner is not the principal accused. Accordingly, she prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits most of the prosecution witnesses have been examined. Next date is fixed on 02.05.2024. She assures this court trial shall be concluded within three months from the next date fixed before the trial court subject to cooperation by the defence and systemic delays.
3. Victim is present in court. Mr. Bibaswan Bhattacharya, learned Advocate empanelled with the High Court Legal Services Committee is requested to represent the victim.
4. We have considered the materials on record. Minor victim had been trafficked for sexual exploitation. Petitioner is the wife of the principal accused. Trial is at a matured stage and prosecution assures the

same shall be concluded within three months from the next date fixed for recording evidence. Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

5. The application for bail is thus rejected.
6. Trial court is directed to expedite the trial in the light of the assurance given by the prosecution. Medical officer or public witnesses may be examined through video conferencing. Parties shall cooperate with the trial court in that regard.
7. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)