

04.10.2024
Item no. 22.
Court No.28.
AB
(Rejected)

CRM (DB) 2906 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chitpur P.S. Case No.154 dated 23.12.2021 under Section 120B/363/365/370 of the Indian Penal Code read with Section 6/17 of the POCSO Act

And

In the matter of : Sadia Aziz

.....Petitioner.

Mr. Shambhunath Ray
Mr. Sultan Ahmed Siddiqui
Ms. Amrita Tewari
Ms. Munmum Das
Ms. Tuhina Parvin

.....for the Petitioner.

Mr. Subhomay Bhattacharya
Mr. Subhasish Datta

.....for the State.

Mr. Tarique Quasimuddin
Mr. Zainab Tahurfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that she is in custody for 534 days. She has been falsely implicated. She tried to be a good Samaritan by giving shelter to the victim girl and her mother as also her brother. However, after two months the mother, who used to work for her, quit the job and then filed this false complaint. She has nothing to do with child trafficking. She has no role to play in the alleged offence.
2. Opposing the prayer for bail, learned State Advocate and learned Advocate for the defacto complainant draw our

attention to the evidence of the witnesses, who have already deposed before the learned Trial Court, including the victim girl and her parents. They squarely implicate this petitioner.

3. Child Trafficking is a very serious offence. It is a menace to the society at large. We find prima facie incriminating evidence against the petitioner. We are not inclined to allow the petitioner's prayer for bail.
4. The prayer for bail is rejected.
5. CRM (DB) 2906 of 2024 is dismissed.
6. We are told that 5 out of 24 charge sheet named witnesses have already been examined. Today (04.10.2024) is the date for examining the Magistrate, who recorded the statements under Section 164 Cr.P.C. We are told that 5 more witnesses will be examined by the prosecution, who are all formal witnesses.
7. Considering the lengthy custodial detention of the petitioner, we direct the learned Trial Court to expedite the trial and conclude the same at an early date and positively within six months from the next date fixed for recording evidence, without granting unnecessary adjournments to either of the parties and, if necessary, frequent schedules of 2/3 days or more shall be fixed by the learned Trial Court.

8. We make it clear that if the trial is not concluded within the time period indicated herein, the petitioner will be at liberty to renew her prayer for bail.
9. The parties shall communicate this order to the learned Trial Court.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)