

08.01.2024
Sl. No. 07
Srimanta

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM(DB)/6/2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Special (POCSO) Case No. 62 of 2019 corresponding to Siliguri Women Police Station Case No. 204/2019, dated 16.10.2019 under Sections 357/363/365/366A/370/370A of the Indian Penal Code read with Sections 6/17 of the POCSO Act read with Sections 3/4/5/6/7 of Immoral Traffic (Prevention) Act, 1956 pending before the Learned Special Judge (POCSO Act), Siliguri.

And

In the matter of : **Archana Ghosh @ Mona Biswas**
- Petitioner (In Jail).

Mr. Arunava Paul

...for the petitioner.

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar

...for the State.

Heard Mr. Arunava Paul, learned Advocate for the petitioner and Mr. Nilay Chakraborty, learned Advocate for the State.

This bail petition under Section 439 of the Code of Criminal Procedure has been filed praying for grant of bail in connection with Special (POCSO) Case No. 62 of 2019 corresponding to Siliguri Women Police Station Case No. 204/2019, dated 16.10.2019 under Sections 357/363/365/366A/370/370A of the Indian Penal Code read with Sections 6/17 of the POCSO Act read with Sections 3/4/5/6/7 of Immoral Traffic (Prevention) Act, 1956 pending before the Learned Special Judge (POCSO Act), Siliguri.

The petitioner earlier filed bail petition being CRM(DB)/53/2023 which was dismissed by this Court by order dated 07.02.2023.

It also transpires that another bail application being CRM(DB)/214/2023 filed by the petitioner was dismissed as not pressed by order dated 21.09.2023.

The petitioner has now filed the third bail petition. Learned Counsel for the petitioner submits that the petitioner is entitled for bail on the ground of parity inasmuch as two co-accused persons have been granted bail by the Trial Court.

We have perused the case diary which contains the FIR in question. From perusal of the FIR and other documents contained in the case diary, it prima facie appears that the petitioner is the prime accused and the main role in commission of offence has been assigned to her. Two co-accused persons were allegedly aiding her. Under the circumstances, the case of the petitioner for bail stands on a different footing than the case of the other co-accused who have been enlarged on bail by the Trial Court.

We further find that no change in circumstances has been disclosed to us which may persuade as for grant of bail to the petitioner even after dismissal of two bail petitions of the petitioner by orders dated 07.02.2023 and 21.09.2023.

For all the reasons aforesaid and also considering the nature and gravity of accusation, the role assigned by the victim girl to the petitioner in the First Information Report and the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure, we are not inclined to enlarge the petitioner on bail at this stage. Consequently, the bail petition is **dismissed**. We, however, direct that the Trial Court shall conclude trial expeditiously preferably within one year.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)