

23.07.2025
Item No.12.
Daily List
Court No.42
Mithun
(Rejected)

**IN THE HIGH COURT AT CALCUTTA.
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 959 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously Section 439 of the Code of Criminal Procedure, 1973), in connection with Special Trial No.05(09) of 2023 (CIS-05/2023), Special Case No.05 of 2023 Chitpur P.S. Case No.154 dated 23.12.2021 under Sections 363/365/370 read with Section 120B of the Indian Penal Code and Section 6 read with Section 17 of POCSO Act.

-And-

In the matter of : Sadia Aziz

... .. Petitioner (in Jail)

Mr. S.N. Roy,
Ms. Munmun Das,
Ms. Amrita Tewari,
Ms. Tuhina Parvin,
Mr. Sultan Ahmed Siddiqui

... .. For the Petitioner

Mr. Anand Keshri,
Ms. Rajnandini Das

... ...For the State

Petitioner renews her prayer for bail. Earlier bail prayer was rejected.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that she has been falsely implicated in this case. The petitioner tried to be a good Samaritan by giving shelter to the victim girl and her mother as also her brother. The mother of the victim, who used to work in the house of the petitioner, quit her job and thereafter filed this false complaint. The petitioner has got no relation with alleged offence of child trafficking. The evidence of the victim

shows that there was no forceful act of trafficking by this petitioner, rather the victim on her own accompanied the petitioner to Kishanganj. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim in her statement as well as during her examination implicates this petitioner of trafficking her. In the earlier bail application, the said aspect was considered and the bail prayer was rejected. She also draws the attention of the Court to that fact that the delay in examination of witness is precisely due to adjournment sought for on behalf of the defence as well as filing irrelevant applications for recalling of the witnesses. She informs the Court that only two witnesses remains to be examined. The examination of the first Investigating Officer has already commenced and his cross-examination remains to be concluded by the defence. She seeks for dismissal of the bail application.

Despite service, none appears on behalf of the *de facto* complainant.

Perused the case diary and the materials on record.

Earlier bail application being CRM (DB) 2906 of 2024 of the petitioner was dismissed by the Hon'ble Court observing as follows:-

“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.”

No new grounds and/or circumstances have been pressed into service. In view of the above, I am not inclined to enlarge the petitioner on bail.

In the earlier bail application, there was a direction to expedite the trial and conclude the same at an early date positively within a period of six months. It is found that on several dates, the defence sought for adjournments. Be that as it may, the report furnished by the State shows that the examination of six witnesses have already been concluded and examination of two witnesses namely, two Investigating Officers remains to be done. As per the schedule, 28th July, 2025 is fixed for the examination of the investigating officers.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the Trial Court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

Prosecution is directed to produce witnesses before the Trial Court on the schedule dates fixed for examination of witnesses.

Parties are directed to cooperate in the trial before the Trial Court.

The application being **CRM(M) 959 of 2025** stands dismissed.

(Bivas Pattanayak, J.)