

13.08.2025
Item no.7
Court No.42
ss
(Dismissed)

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

C.R.M.(M) 1281 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973, corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO 57 of 2021 arising out of Naihati Police Station Case No.328 of 2020 dated 06.08.2020 under Sections 363/366A/368/370/372/373/376/120B of the Indian Penal Code, 1860 read with Sections 3/4/5/6/7/8 of the Immoral Trafficking Prevention Act, 1956 read with Section 4/6/8/12/17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 pending before the Court of the learned Judge, Special Court (POCSO) at Barrackpore, North 24-Parganas.

-And-

In the matter of : Rakhi Ganguly

... Petitioner

Mr. Susnigdho Bhattacharyya
Ms. Sarmistha De

... .. For the Petitioner

Mr. Anand Keshri,
Ms. Debadrita Mondal

... ..For the State

Ms. Jonaki Saha

...for the *de facto* complainant.

The petitioner renews her prayer for bail.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than 3 years and only one out of twelve witnesses has been examined. One of the co-accused has been granted bail by this Hon'ble Court and other 6 co-accused persons have been granted bail by the learned trial court. The petitioner stands on the same footing. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that this petitioner used to run a brothel where

the minor victims were trafficked. She does not stand on the same footing as the person who has been granted bail by this Hon'ble Court. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits in the similar fashion.

Perused the case diary and materials on record.

In her statement, the victim implicates this petitioner. It appears from the statement of the victim that this petitioner used to run a brothel by trafficking the victims. The co-accused who has been granted bail by this Hon'ble Court is the *Toto* driver who used to ferry the minors. She does not stand on the same footing as of the co-accused, who has been granted bail by this Hon'ble Court. Considering the above materials and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the bail prayer of the petitioner is rejected.

The learned trial court is directed to expedite the trial to the fullest extent and conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

The prosecution is directed to produce witnesses as per schedule fixed by the trial court for examination of witnesses.

The parties are directed to cooperate in the trial for examination of the witnesses.

Parties are at liberty to communicate this order to the learned trial court.

The application for bail being **CRM (M) 1281 of 2025** stands dismissed.

(Bivas Pattanayak, J.)