

Bail Application No. 716/2022

Order-sheet

Present: Sh. S.K. Poddar

Sessions Judge, Morigaon

16.12.2022

Ld. Advocate for the accused petitioner is present.

This is a petition filed u/s 439 CrPC for granting bail to accused Shajahan Ali who is in jail custody since 08.11.2022, in connection with Laharighat PS case No. 89/2021, registered u/s 366/368/371/325/34 IPC.

During hearing, Ld. Advocate for the accused petitioner has submitted that the allegations as brought are false. It is also submitted that accused is in judicial custody since last 38 days and he may be enlarged on bail with any conditions. It is also submitted that earlier bail for accused was rejected on 28.11.2022 vide BA No. 670/2022. On the other hand, Ld. Public Prosecutor, Morigaon has objected in granting bail and submitted that earlier bail application of the accused was rejected on perusal of the case diary. I have considered the submissions of both the sides.

FIR dated 19.02.2021 lodged by the victim discloses that taking advantage of absence of her husband, on 17.01.2021 accused Shajahan Ali called her to Guwahati for providing job in a soap factory and took her to the residence of one Asmina. After keeping her for two days she was again taken to Rangapathar area by Asmina and one Hanufa and thereafter, took her to Delhi in a train. Thereafter, she was sold at Delhi by taking Rs. 60,000/- wherefrom she was taken to a building and she was forced to engage in prostitution. Subsequently, she informed the matter to her husband and somehow she returned back.

Gone through the case record. From the case record it appears that earlier bail petition for the accused was rejected vide order dated 28.11.2022 in BA No. 670/2022 on perusal of the case diary on finding sufficient incrementing materials against the accused person with an observation that "From the case diary it appears that I.O has collected incrementing materials against accused Shajahan for bringing out the victim from her residence with an allurement to provide job in soap factory in Guwahati and handed her over to the other accused and who ultimately took her to Guwahati. From the record it appears that a case is made out for the offence of trafficking for the purpose of sexual exploitation. From the record it appears that co-accuseds are yet to be arrested."

As on today, no new grounds have been shown to reconsider the second bail prayer of the accused, except period of detention.

Considering above, due to lack of sufficient grounds, prayer for bail stands **rejected**.

Send a copy of this order to O/C Laharighat PS for information.

Bail petition is disposed of.