

ORDER-SHEET FOR MAGISTRATE'S RECORDS
DISTRICT : SONITPUR.
IN THE COURT OF SESSIONS JUDGE, SONITPUR AT TEZPUR
Criminal (Bail) No. 544/2022

Smti Rinku Thakuri

Vs.

State of Assam

Sl. No. of Orders	Date	Order	Signature
	<u>10-11-22</u>	<p>This is an application u/s 439 Cr.P.C. filed by Smti Rinku Thakuri seeking bail for accused Abhi Tachaing and Amar Sunar in connection with Chariduar PS Case No. 188/2022 u/s 370/370(A)(2)/34 IPC, corresponding to G.R. Case No. 2062/2022.</p> <p>I have heard the learned lawyers appearing for both sides and also perused the case diary.</p> <p>The allegation in the FIR is that on 06-10-2022 FIR named accused persons taken away the victim cum informant to Naharlagun, Arunachal Pradesh in the pretext of providing her job and left her in the house of one person. Then, she got to know that accused persons left her there in exchange of ₹5,000/-. It is also alleged that at that place, she was raped. Hence, the case.</p> <p>Learned counsel for State opposed the bail prayer contending inter alia that the allegations made against the accused is serious in nature as they are instrumental in taking the girl to different place from her residence for the purpose of trafficking and exploitation as well as for wrongful gain. As such, accused persons do not deserve to be released on bail.</p> <p>On the other hand, learned counsel Sri Biraj Nath appearing for accused persons submitted that the present accused persons are totally innocent. They just allegedly helped the girl to go to Arunachal Pradesh. They neither trafficked the girl nor sexually exploited her so as to attract Section 370/370(A)(2) IPC.</p>	

Having heard the learned counsels appearing for both sides and also careful perusal of the case diary, it transpires that it was the accused persons who are involved in taking the girl to Arunachal Pradesh on the promise of providing good job and salary but eventually they sold her in Arunachal Pradesh in lieu of money where girl was also sexually exploited.

Case diary reveals sufficient indication that accused persons not being persons to provide job but they lured the girl on the false promise of job and took the girl from one place to another place from her lawful guardian and handed her over to a person in Arunachal Pradesh in lieu of money who also exploited her sexually.

It is writ large in the case diary that accused persons by using fraud and deception took the girl to Arunachal Pradesh and handed her over to unknown person in lieu of money.

Section 370 IPC says that whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

Therefore, the offence alleged against accused persons is serious in nature and case diary shows direct complicity of the accused persons in the alleged offences.

Therefore, considering the nature and gravity of the offence, this court do not consider it a fit case to release the accused persons on bail.

In the result, bail petition stands rejected.

Send back the case diary in seal cover.

Accordingly, the case is disposed of.

Sessions Judge,
Sonitpur, Tezpur.