

19.10.2020
Sl. No. 19
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DO
Crt.12

CRM 8027 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sonarpur P.S. Case No.2611 of 2016 dated 07.12.2016 under Sections 366/370/370A/373/120B/34 of Indian Penal Code 1860 read with Sections 3/ 4 /5/6/7/9 of the Immoral Traffic Prevention Act, 1956 and under Sections 17/4 of the POCSO Act, 2012.

And

In the matter of: **Abhishek Saha @ Babu**

....Petitioner.

Mr. Abdur Rakib

...for the Petitioner.

Mr. Saswata Gopal Mukherji

Mr. Partha Pratim Das

Ms. Manashi Roy

...for the State.

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned Counsel for the petitioner submits that he has been falsely implicated in this case. He is languishing in jail for 3 years 10 months. The co-accused similarly placed as that of the petitioner has been granted bail by a Co-ordinate Bench on July 10, 2017. It is submitted that there is no likelihood of the trial being concluded in near future and accordingly his prayer for bail of the petitioner be considered and allowed in the interest of justice.

Learned Counsel for the State has opposed the prayer for bail.

It is submitted that the statement of the victim recorded under Section 164 CrPC directed implicate the petitioner and his wife, namely, Champa Saha (Naiya) @ Hashi @ Megha and earlier an application for bail filed by the wife of the present petitioner in CRM No. 11398 of 2017 was rejected by a Co-ordinate Bench. Learned Counsel has produced a copy of the said order.

The petitioner is guilty of suppression of material facts. The petitioner ought to have disclosed the earlier order of rejection.

The petitioner took a chance.

Learned counsel for the petitioner submits that he was not aware of the earlier order of rejection and he was never communicated of such order by his client.

Prima facie the involvement of the petitioner in trafficking of minor girls for sexual exploitation is established from the materials in the Case Diary and the trial is in progress. About 9 witnesses have been examined so far and there are 10 more witnesses to be examined.

Considering the aforesaid materials we dismiss this application with cost assessed at Rs. 10,000/- to be paid by the petitioner to the State Legal Services Authority for suppressing the order dated 20.11.2017 within one month from date.

The order dated 20.11.2017 is kept with the record.

However, we direct the learned trial Judge to conclude the proceeding as expeditiously as possible preferably within a period of one

year from the next date of hearing without granting any unnecessary adjournment to either of the parties.

CRM 8027 of 2020 stands thus disposed of.

Learned advocate as well as the other concerned authorities shall act on the copy of the order downloaded from the official website of this Court.

(Soumen Sen, J.)

(Abhijit Gangopadhyay, J.)