

CRM 8766 of 2020
(Via Video Conference)

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No. 620/2020 dated 29.06.2020 under Sections 376/370/372/373/120B of the Indian Penal Code and Sections 3/4/5/7 of immoral Traffic (Prevention) Act and Sections 4/8/12/17 of the Protection of Children from Sexual Offences Act.

In the matter of : **Saurav Sk**

..... petitioner

Mr. Somnath Adhikary

....For the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

.....For the State

The petitioner claims not to be associated with the business of running a place by the name of Sangi Hotel. The State claims that the petitioner may have taken the place on lease. The charge brought against the petitioner of immoral trafficking.

According to the records, minor girls were recovered from Sangi Hotel. The manager of the place claimed that the petitioner herein was the lessee of Sangi Hotel. Such allegation of the manager appears in a stated recorded under Section 161 of the Code. In a similar statement, a survivor claimed that she had not been paid and that the present petitioner was the owner of the business.

The same minor survivor apparently recorded a statement under Section 164 of the Code. In such statement, there is no reference to the petitioner herein. It is in such context that the

petitioner says that the statements attributed to the witness by the police should be discarded since the statement made by the minor survivor under Section 164 of the Code had no reference to the petitioner herein.

It is the further case of the petitioner no scrap of paper has been produced by the investigating agency to suggest that the petitioner had any connection with the business at Sangi Hotel or was the lessee of the premise at the time that the illegal activities were found to be committed thereat.

In matters of the present kind, the real mastermind mostly hide behind curtains. Indeed, more often than not the actual owners of the business do not reveal their identities at all. It is true that the minor survivor who has made the statement under Section 164 of the Code has not referred to the petitioner herein in such statement. The context in which the name of the petitioner was taken in the Section 161 Statement was that the survivor was not paid for the work she had been required to undertake.

Considering the gravity of the offence and that there is a likelihood that the petitioner may have been involved, the petitioner cannot be completely relieved from custodial interrogation. However, the petitioner will be entitled to apply for regular bail in the event he surrenders.

Since the illegal trading in minor girls, and sometimes even boys, appears to be rampant now, it may be better to be cautious

so as not to impede the investigation or allow the big fish to get away.

The prayer for anticipatory bail is refused. CRM 8766 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)