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CRM 9565 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.620 of 2020 dated 29.06.2020 under Sections 376/370/372/373/34 of the Indian Penal Code and Section 3/4/5/7 of ITPA and Sections 4/8/12/17 of the POCSO Act and Section 75 of the J.J. Act.

And

In the matter of: Emajuddin Sk.

....Petitioner.

Mr. Rajdeep Mazumder
Mr. M. Mukherjee
Mr. A. Rahaman

...for the Petitioner.

Ms. Z.N. Khan
Mr. M.F.A. Begg

...for the State.

It is submitted on behalf of the petitioner that he is a customer and had been arrested in course of a raid in a hotel where immoral trafficking of women was carried on. He is in custody for 163 days. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that co-accuseds stated that petitioner was involved in procuring girls.

We have considered the materials on record. Statement of victim girls do not implicate the petitioner as their procurer. Keeping in mind the extent of complicity of the petitioner in the light of the submission that he was a mere customer and the period of detention suffered by him, we are of the opinion that petitioner may be granted bail.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)