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CRM 10362 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mandarmani Coastal P.S. Case No.47 of 2019 dated 02.11.2019 under Sections 366A/368/370/370A/372/373/120B/34 of the Indian Penal Code and Sections 3/4/5/6/7/9 of the Immoral Trafficking Act read with Sections 4/17/21 of the POCSO Act.

And

In the matter of: Shyamal Manna

....Petitioner.

Mr. Sourav Chatterjee
Mr. A. Ghatak
Mr. A. R. Pati

...for the Petitioner.

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

...for the State.

Petitioner is in custody for more than 400 days. He renews his prayer for bail. Co-accused has been enlarged on bail by a co-ordinate bench of this Court.

Learned lawyer for the State opposes the prayer for bail and submits that prayer for bail of the petitioner was rejected in September, 2020. Petitioner is one of the Managers of the hotel where immoral trafficking was being carried on.

Statement of witnesses implicate the petitioner in the alleged offence of trafficking women for sexual exploitation. Gravity of the offence having far reaching consequence in society is a relevant consideration for grant or rejection of bail. Vulnerable witnesses, that

is, the victims of sex trafficking, have not yet been examined. Hence, we are not able to persuade ourselves to accept the ratio that there is no possibility of the petitioner interfering with witnesses or tampering with evidence. In view of the gravity of the offence and as vulnerable witnesses are yet to be examined, we are not inclined to grant bail to the petitioner at this stage.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)