

28.07.2021

Court No.28
Item No.4
(REJECTED)

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CRM 940 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 22.01.2021 in connection with Berhampore Police Station Case No. 620 of 2020 dated 29.06.2020 under Sections 376/370/372/373/34 of the Indian Penal Code, 1860 and Sections 3/43/5/7 of the Immoral Traffic and Prevention Act 1956 and Sections 4/8/12/17 of the POCSO Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection Children) Act 2015;

And

In the matter of : **Tanmoy Howladar**

...Petitioner.

Mr. Sabir Ahamed

Mr. Mazhar Hossain Chowdhury

...For the Petitioner

Mr. Ranabir Roy Chowdhury

Mr. Rudradipta Nandy

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 620 of under Sections 376/370/372/373/34 of the Indian Penal Code, 1860 and Sections 3/43/5/7 of the Immoral Traffic and Prevention Act 1956 and Sections 4/8/12/17 of the POCSO Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection Children) Act 2015.

During a raid by the Special Team, a sex racket was busted and 15 girls were recovered from two hotels. Some of them were minors. The petitioner says that he has been shown as the manager of one of such hotels, which is factually incorrect. It is further

submitted that other co-accused has already been enlarged on bail and therefore, the petitioner seeks parity, thereupon.

Learned Advocate for the State opposes the prayer for bail and submits that the petitioner is the kingpin of the said sex racket and is disclosed as the manager by some of the girls whose statements were recorded under Section 164 of the Code of Criminal procedure.

Though, it is submitted by Mr. Ahamed that the minor girls have not disclosed the name of the petitioner , but we do not feel that it turns out to be so fatal inviting the immediate release of the petitioner. It is a matter of trial, whether the petitioner has any nexus to the said racket. Once there is a prima facie material found against the petitioner during the investigation, evident from the charge-sheet having filed in this case, we do not find any justification in releasing the petitioner on bail.

The application for bail is, thus, considered and ***rejected***.

We, however, request the learned Trial Court to expedite the matter and bring it to its logical conclusion at an earliest.

(Harish Tandon, J)

(Bibek Chaudhuri,J.)