

23.08.2021
Item no. 30
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 2768 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2021 in connection with Bhawanipur Police Station Case No. 141 dated 27.04.2016 under Section 363 of the Indian Penal Code adding Sections 120B/201/363/365/366A/370(5)/376/419/420 of the Indian Penal Code and Section 4 and 17 of the Protection of Children from Sexual Offences Act 1012 and under Sections 80/81/84 of Juvenile Justice (Care and Protection Act, 2015).

And

In the matter of : Bhabesh Giri.

.....Petitioner.

Mr. Subrata Santra, Advocate,

.....for the Petitioner.

Ms. Zareen N. Khan, Advocate,
Ms. Trina Mitra, Advocate,

.....for the State.

The petitioner claims to be the owner of a betel leaf shop and is in custody for four years and seven months. It is submitted on behalf of the petitioner that he has no nexus with the alleged offence and merely requested the co-accused persons to hand over the illegitimate child to him for handing the child over to one of his acquaintances who was issueless.

The State opposes the prayer for bail and refers to the case diary.

We have perused the statement of witnesses recorded under Section 161 of the Code of Criminal Procedure and other material in the case diary. It prima facie appears that the petitioner is alleged to have been trafficking in minor children. Prima facie involvement of the petitioner in the alleged offence is apparent from the material in the case diary. It is also submitted on behalf of the State that the prayer of a co-accused person, who is similarly circumstanced with the petitioner, has been turned down by a Co-ordinate Bench of this Court.

Having considered the material in the case diary, nature and gravity of the offence and prima facie involvement of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, CRM 2768 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)