

47. 31.08.2021
Ct.32
Tanmoy
Rejected

C.R.M. 4393 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **30/06/2021** in connection with C. Special Case No. 50/2020 arising out of **Berhampore Police Station Case No. 620/2020** dated **29/06/2020** under Sections **376/370/372/373/34** of the Indian Penal Code read with Sections **3/4/5/7** of the Immoral Traffic (Prevention) Act, 1956, Sections **4/8/12/17** of the POCSO Act and Section **75** of the Juvenile Justice Act.

And

In the matter of: - **Ajay Sarkar**

...petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Dipankar Paramanick

...for the State.

The petitioner is one of several accused persons. The charge is of rape, immoral trafficking in women and also under various Sections of the Protection of Children from Sexual Offences Act. The case against the petitioner is that he was the Manager of the business of immoral trafficking in women. He used to run a brothel under the garb of a hotel. Young girls including minors from Bangladesh were forced to cater to customers at such place.

The petitioner says that he was present at the place only as a customer. He has no involvement in running of the business.

We have read the statements of the victim girls, the Cook who was employed at the said hotel and also other persons.

Prima facie, it appears that the petitioner was the Manager of the hotel where the business of illegal trafficking in women was being carried on. His apparent complicity cannot be ruled out.

On an overall consideration of the material in the Case Diary and the nature of the offence, we are of the view that the petitioner's prayer for bail should not be allowed at this stage.

Accordingly, the application for bail being C.R.M. 4393 of 2021 is **dismissed**.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)