

06. 18.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 828 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **10/08/2021** in connection with **Siliguri Women Police Station Case No. 07 of 2020** dated **26/01/2020** under Sections **323/354/357/363/365/369/370/376/34** of the Indian Penal Code read with Sections **3/4/5/6/7** of the Immoral Traffic (Prevention) Act, 1956.

And

In the matter of: - **Amit Gupta**

....petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Souvik Mitter,
Ms. Arushi Rathore,
Ms. Rajnandini Das

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Tapan Bhattacharjee

...for the State (through V.C.)

The allegation is that the petitioner is the owner of a Spa business which is run under the name of a private limited company. The petitioner is the all-in-all of that company. Apparently, acting on a *suo motu* complaint, the Police raided his Spa and recovered two Thai ladies therefrom. It is alleged that the said Spa is really a camouflage for sex business.

The petitioner says that although, Section 41A notice was issued, the petitioner could not respond to the same as he was in Bombay at the material point of time and due to pandemic, he

could not come back to Calcutta. However, he is presently ready, willing and prepared to fully co-operate with the Investigating Officer.

Learned Counsel for the State strongly opposes the prayer for anticipatory bail.

We have perused the material in the Case Diary including statements of victims and the girls recovered from the said Spa. On an overall assessment of the material in the Case Diary, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and further on condition that the petitioner shall report to the Investigating Officer once every fortnight and also as and when he will be called for by the Investigating Officer until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 828 of 2021 is, thus, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)