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C.R.M. (DB) 1342 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah Women Police Station Case No. 26 of 2017 dated 23.05.2017 under Sections 370A of the Indian Penal Code and Sections 8/12 of the POCSO Act and Section 76 of J.J. Act, 2015.

And

In Re : Nirbhay Kumar alias Nirbhay Kumar Gupta petitioner

Mr. P.N. Sharma
Mr. Santosh Kumar Pandey
... for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh
... for the State

Petitioner has renewed his prayer for bail. Learned Counsel appearing for the petitioner submits he is in custody for two and half years and the offences are punishable with term imprisonment.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner and other co-accused persons are members of a gang of traffickers who trafficked minor girls beyond the State.

We have considered the materials on record including statements of the minors including one Shova Paul. The statement of Shova Paul, a minor victim, implicates the petitioner in the crime. In view of the gravity of the offence, we are surprised why the investigating agency did not submit charge-sheet under sub sections (3), (4) and (5) of Section 370 of

the Indian Penal Code. In view of the prima facie implication of the petitioner in the aforesaid offences, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

Trial court is directed to consider the issue of framing of charges in the light of the aforesaid observations and in the event the charge is framed to proceed with the trial and conclude the same at an early date preferably within one year from the date of framing of charges. Needless to mention, during trial trafficked victims particularly the minors are to be examined first and the prosecuting agency is directed to take all necessary steps to protect the said vulnerable witnesses from any influence whatsoever and to ensure grant of interim compensation to the said victims at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 192 of 2018

In Re.: An application under Section 439 of the Code of Criminal Procedure filed on 05.01.2018 in connection with Karimpur Police Station Case No. 136 of 2012 dated 03.07.2012 under Sections 420/467/468/471/120B of the Indian Penal Code.

And

In Re : Rabish Kumar Upadhyay petitioner

Mr. Asraf Ali

... for the petitioner

Mr. Debojyoti Deb

... for the State

Having considered the materials on record prima facie disclosing involvement of the petitioner in the alleged crime of misappropriation of monies of the innocent depositors and the fact that the petitioner has absconded for a protracted period of time, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Rajarshi Bharadwaj, J.)

(Joymalya Bagchi, J.)

