

15.06.2022.
36.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1477 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bidhannagar South P.S. Case No.40 of 2019 dated 13.04.2019 under Sections 3/6 of the Immoral Traffic (Prevention) Act. (G.R. Case No.259 of 2019).

In the matter of : Ved Prakash Arya.

... Petitioner.

Mr. Sekhar Kr. Basu, Ld. Sr. Adv.,
Mr. Debasish Roy,
Mr. Antarikhya Basu,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak.

...for the Petitioner.

Mr. Saswata Gopal Mukherjee, Id. P.P.,
Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Commissioner of Police, Bidhannagar Commissionerate is present in person. Investigating Officer is also present. Report is placed before the Court. The same be kept on record.

It appears from the report victims of trafficking were given psychological counselling on 14.6.2022. Request has been made for grant of interim compensation as per law. Steps have also been taken for extending necessary protection to the said witnesses.

Learned Public Prosecutor submit date has been fixed for examination of the victims on 16.6.2022.

Having considered the materials on record prima facie material show prostitution was carried out in the premises owned by the petitioner. Learned Senior Advocate contends property had been let out to another person.

We are of the view such defence requires to be considered in the course of trial. However, keeping in mind the nature of the offence which has far reaching and adverse social impact and as the vulnerable victims are yet to be examined, we do not consider it prudent to release the petitioner on bail at present.

Accordingly, the prayer for bail of the petitioner is rejected.

We note with anguish indifferent manner in which cases involving sex trafficking of minor girls are being conducted. These cases require to be investigated by a specialised agency manned by police personnel who are duly sensitised in the matter. Victims in such cases are either women or minor coming from weak and marginal sections of society. They require proper protection, support and assistance including psychological counselling. We notice no steps are taken by the investigating agencies in this regard.

Accordingly, this Court is constrained to direct the Director General of Police, West Bengal to take necessary steps so that cases involving trafficking of women particularly minors for sexual exploitation are transferred to the Anti Human Trafficking Unit and investigate by specialised officers preferably lady officers. Steps be taken during investigation to extend protection and support in the form of support person,

counselling and interim compensation as per law to such victims.

Copy of this order be sent to the Director General of Police, State of West Bengal for necessary steps.

Presence of the Commissionerate and the Investigating Officer is noted and dispensed with.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)