

18.07.2022
cm/ct 28

C.R.M. (DB) 2238 of 2022

sl. no. 21

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Shyampur P.S Case No. 335 of 2017** dated **20.07.2017** under Sections **366A/368/370/372/373/376/109/120B/34** of the Indian Penal Code read with Sections 3/4/5/6/7/9 of the Immoral Traffic read with Section 4/17 of the POCSO Act.

Rejected

And

In Re : Gobinda Das

..... petitioner

Mr. D. Chatterjee
Mr. Asit Nayek

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

..... for the State

Petitioner is in custody for more than five years. He prays for bail. It is strongly contended on behalf of the petitioner that he is no way connected with the crime. He has leased out the hotel where the prostitution was carried on.

Status of trial is placed on record. 16 out of 25 witnesses have been examined. Date has been fixed for examination of the victim girls on 3rd August, 2022 to 12th August, 2022.

We have considered the materials on record. Petitioner is the owner of the hotel where prostitution was carried on. His plea that he had leased out the premises to another requires to be seen in light of consistent statements of witnesses and other documents showing his prima facie involvement in trafficking minors for sexual exploitation.

We did not appreciate the fact that the minor victims have not been examined till date. We note their examination is fixed in August, 2022.

Keeping in mind the gravity of the offence and the delicate stage at which the trial is poised for examination of vulnerable witnesses, we do not consider it prudent to release the petitioner on bail at this stage.

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

Trial court is directed to take necessary steps for examining of the victims in course of the schedule fixed and if it is unable to do so to conclude their examination positively within a month thereof without granting unnecessary adjournment either of the parties.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)