

29.07.2022
Sl. No.28
akd
[Rejected]

C. R. M. (DB) 2522 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2022 in connection with Dholahat Police Station Case No. 371 dated 03.09.2016 under Sections 363/366A/365/370/371 of the Indian Penal Code. (G.R. Case No.1363 of 2016)

And

In Re: ***Rahamat Dhali***

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate
Mr. L. Vishal Kumar
Mrs. Manaswita Mukherjee

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

Petitioner renews his prayer for bail.

It is submitted on behalf of the petitioner that he is in custody for about 190 days. It is further submitted victim has been recovered and is married.

Learned advocate appearing for the State opposes the prayer for bail and submits prayer for bail of the petitioner was rejected earlier.

We have considered the materials on record. Perusal of the records of investigation portray a distressing state of affairs. FIR was registered in 2016 alleging the minor victim had been trafficked outside the State. Notwithstanding the nature of accusation, investigation was conducted by the local police authorities and not transferred to a specialised agency viz. Anti Human Trafficking Unit. Hardly any investigation was conducted for five years. Suddenly, the victim is said to have been recovered in May, 2021. Initially, she made a statement that two years ago her father had brought her from Delhi and she is married to another person. In her statement before Magistrate she

claimed she came back from Delhi with the help of an unknown person. No investigation was done with regard to the identity of the person with whom she is presently married or staying. No investigation was also done with regard to the involvement of Manoj Singh to whom victim had been sold by the petitioner. Without conducting a fair and proper investigation police report has been filed.

However, materials on record show the role of the petitioner in selling the minor victim to said Manoj Singh. In view of the aforesaid materials on record and gravity of the offence involving trafficking of a minor outside the State, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus **rejected**.

Noticing the callous and indifferent investigation by local police administration, we direct the Additional Director General of Police, Criminal Investigation Department (CID) to take over further investigation in the matter through Anti Human Trafficking Unit particularly with regard to the role of Manoj Singh to whom the minor victim had been sold and detained in Delhi and other attending circumstances of the case.

Department is directed to sent a copy of this order to the Additional Director General of Police, Criminal Investigation Department (CID) for necessary compliance.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)