

03.08.2022.
22.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 2588 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.620 of 2020 dated 29.06.2020 under Sections 376/370/372/373/120B of the Indian Penal Code read with Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Section 4/8/12/17 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act.

In the matter of : Ajay Sarkar.

... Petitioner.

Mr. Atanu Biswas.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for 788 days. He renews his prayer for bail. He submits he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses prima facie disclosing involvement of the petitioner in trafficking the victim for sexual exploitation. His prayer for bail was rejected earlier on merits. Due to non-production of the accused, delay cannot be attributed to the prosecution.

Under such circumstances and in view of the nature of offence which has far reaching impact in society, we are not inclined to grant bail to the petitioner.

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

Trial Court is directed to exhaust all processes for apprehending the accused persons and if they cannot be apprehended in spite of such processes to declare them as proclaimed offender and proceed with the trial with the petitioner and other accused who are presently before the court with utmost expedition without granting unnecessary adjournment to either of the parties.

Copy of this order be sent down to the court below for necessary compliance.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)