

08.08.2022

cm/ct 28

C.R.M. (DB) No. 2670 of 2022

sl. no. 42

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kakdwip P.S. **Case No. 132** dated **30.06.2019** under Sections **363/366/34** of the Indian Penal Code and charge sheet submitted under Sections 363/366 of the Indian Penal Code and adding Section 370(4) of the Indian Penal Code.

Rejected

And

In Re : Samir Ranjan Das @ Samir.

..... petitioner

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

..... for the petitioner

Ms. Faria Hossain
Ms. Baisali Basu

..... for the State

Learned lawyer for the petitioner submits he was not named in the First Information Report. He has been falsely implicated in the instant case.

Learned lawyer for the State produces the case diary.

We have considered materials on record in the case diary. Victim girl was trafficked outside the State of West Bengal for sexual exploitation. She made an incriminating statement before Magistrate under Section 164 Cr.P.C. on 19.09.2019. Thereafter, another statement of the victim was recorded under Section 161 Cr.P.C. on 21.09.2020 and her further statement under Section 164 Cr.P.C. was also recorded on the same date. These subsequent statements are exonerative in nature and give an impression that the victim had voluntarily left with the petitioner out of love.

The aforesaid state of affairs give rise to a reasonable belief that the victim of sex trafficking was won over and thereafter her subsequent statement exonerative statement was recorded by the police as well as Magistrate. Though the case involved sex trafficking of a minor beyond the borders of the State the investigation was conducted by the local police administration. Fate of such investigation is evident from the aforesaid facts. Although, the victim girl made an incriminating statement in 2019, investigating Officer for reasons best known to him recorded a subsequent exonerative statement of the victim girl in 2020 under Section 161/164 Cr.P.C.

In light of the aforesaid circumstances, we direct further investigation of the case to be transferred to Anti Human Trafficking Unit attached to ADG CID, West Bengal shall depute an officer not lower than the rank of Deputy Superintendent of Police to conduct further investigation.

Superintendent of Police Sundarban police District is directed to make an enquiry with regard to the role of the Officer-in-Charge of Kakdwip police Station in 2019-20 and the Investigating Officer with regard to the indifferent manner of investigation of the case.

We have considered the materials on record. There are prima facie materials connecting the petitioner with the trafficking of the minor girl who appears to have been subjected to undue influence to make exonerative statement at a subsequent date.

Under such circumstances, we are not inclined to grant bail to the petitioner.

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

Report shall be filed on the adjourned date.

Matter is adjourned for two weeks(22.08.2022)

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)