

23.02.2022
Court No.32
Item No.207
Avijit Mitra

C.R.M. No. 7963 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dhantala Police Station case no.458 of 2021 dated September 29, 2021 under Sections 363/365/366(B)/370/34 of the Indian Penal Code and Sections 13/14 of Foreigners Act, 1964 and Section 5 of Immoral Traffic (Prevention) Act, 1956;

And

In Re : Prasenjit Roy

.... petitioner

Ms. Sananda Bhattacharya

...for the petitioner

Mr. Neguive Ahmed,

Ms. Ayantika Ray

....for the State

Ms. Bhattacharya, learned lawyer for the petitioner submitted that the present petitioner is not named by the victim. He has no complicity in the alleged offence but rather falsely implicated on the basis of a fabricated story. The petitioner is in custody for 147 days. Chargesheet has been filed. Therefore, custodial detention is not necessary. Accordingly, Ms. Bhattacharya prays for bail on any stringent condition.

Per contra, Mr. Ahmed, learned lawyer appearing for the State invited our attention to various statements of the witnesses particularly, that of the mother of the present petitioner and submitted that strong incriminating elements are there against the present petitioner implicating him directly in the alleged offence. Accordingly, he opposes the bail application.

We have heard the rival submissions and perused the case diary. The statement of the victim is silent about the participation of

the present petitioner. However, statement of other witnesses recorded under Section 161 of the Code of Criminal Procedure clearly implicates him in the alleged offence of cross-border trafficking, *prima facie*. Considering the seriousness of the offence and its gravity we are not inclined to exercise any discretion in favour of the petitioner and the prayer of the petitioner stands refused, at this stage.

Accordingly, the application for bail, being CRM No.7963 of 2021, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)