

21.10.2022.
18
Ct.No.28.
AKG/AN
(Rejected)

C.R.M. (D.B) 3763 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NSCBI Airport Police Station Case No. 50 of 2021 dated 23.08.2021 under Sections 363/365/367/370/468/470/471 of the Indian Penal Code.

In the matter of : Achintya Majumder @ Paltu Mazumder
.... Petitioner.

Mr. Ankit Agarwala ,
Mr. Subir Debnath
Ms. Roma Roy
Mr. Rabin Basu ,

...for the Petitioner.

Mr. Prasun Kr. Datta, learned A.P.P.,
Mr. Nirupam Dhali ... for the State.

The petitioner is booked in connection with NSCBI Airport Police Station Case No. 50 of 2021 dated 23.08.2021 under Sections 363/365/367/370/468/470/471 of the Indian Penal Code.

It is submitted on behalf of the petitioner that initially the petitioner was granted bail by the learned Jurisdictional Magistrate on 08.10.2021. The said order of bail was rejected by the Division Bench of this Court on 25.04.2022 in CRM (DB) 647/2022. The petitioner challenged the said order before the Hon'ble Supreme Court. However, the said proceeding was dismissed as withdrawn giving liberty to the petitioner to apply afresh for bail before this Court. Subsequently, the petitioner filed CRM (DB) 2371/2022

praying for bail of the petitioner which was dismissed as not pressed on 19.07.2022. Thereafter, the instant application is filed.

It is submitted by the learned counsel for the petitioner that the petitioner is under detention for 208 days. His previous application for bail was not pressed in order to “balance the scale of detention” (as coined by the learned counsel for the petitioner).

On fact, it is submitted by the learned counsel for the petitioner that two major girls were recovered from NSCBI Airport while they were about to leave Kolkata for Bangalore. During investigation, the Police came to know that they are the residents of Bangladesh. They were brought to India with an assurance that they would be provided with some good job. Further, investigation revealed that a racket of international human trafficking was being operated by some unscrupulous accused persons. One Dipu was arrested from the Airport. The petitioner was not at all connected with the instant application. Nothing was seized from him. He was falsely tagged in connection with the abovementioned case only on suspicion. The petitioner submitted before the jurisdiction of the learned Magistrate.

Therefore, gravity of the offence is not attributable to the petitioner. Secondly, he submitted to the jurisdiction of the Court and thirdly, there cannot be any occasion to tamper offence in respect of the case as against the petitioner and thus, the learned counsel for the petitioner invites this Court to

apply the ratio laid down in the case of **Sanjay Chandra vs. CBI** reported in **(2012) 1 SCC 40**.

Learned Public Prosecutor (In-Charge) has raised vehement objection against the prayer for bail. He has placed relevant materials in the case diary. On careful consideration of materials on record as well as the case diary, we like to record at the outset that in all cases, period of detention of an accused cannot be taken as a ground for releasing him on bail if the case diary reveals specific materials against the accused. Undoubtedly, the statement recorded under Section 164 of the Code of Criminal Procedure is very cryptic.

However, from the materials in the case diary, it is ascertained that the victim girls were obtained possession from Bangladesh border then they were taken to Krishnanagore and from Krishnanagore to Nabadwip. Some other accused persons prepared forged documents and citizenship of this country by changing the names of the victims. During transportation from one place to another, specific role of the petitioner is surfaced out.

Thus, considering the materials in the case diary and gravity of offence, we are not inclined to release the petitioner on bail.

Thus, the prayer for bail is rejected.

C.R.M. 3763 of 2022 is disposed of.

(Bibek Chaudhury, J.)

(Prasenjit Biswas, J.)

