

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3242 OF 2021

Sagar @ Tapas Ajit Chakraborty	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Mr.Pranbhanjay Dave, for the Applicant.

Mr.S.H. Yadav, APP for the State.

API Nilesh More, Unit-1, Thane City present.

CORAM : BHARATI DANGRE, J

DATE : 19TH AUGUST, 2022.

P.C.

1] At the instance of complainant, who also claims to be the victim of illicit trafficking, aged 20 years and a Bangladeshi National, subject CR came to be registered with Shil Daighar Police Station, which invoke offences under Section 363, 366-B, 370, 376 read with 34 of the Indian Penal Code and under Section 4 and 5 of the PITA Act and under Section 4, 6 and 17 of the POCSO Act.

2] On 06.02.2017 the present Applicant came to be arrested and presently he is incarcerated in Thane Central Prison.

3] On perusal of the charge sheet which comprises of statements of victims recorded under Section 161 as well as 164 of the Cr.P.C., it can

be discerned that the complainant is original resident of Bangladesh and she alongwith two major girls and one minor girl were brought from Bangladesh to Kolkata on the promise that they would be offered livelihood in film industry or being engaged as beauticians.

It is alleged in the charge-sheet that the arrested accused and the wanted accused indulged these girls in flesh trade and Accused No.2 is also charged for committing forcible sexual intercourse with one of the victim girl on the pretext of marriage.

As far as accused No.1 is concerned, the charge sheet accused him of committing sexual intercourse against wishes of minor girl.

4] The statement of victim came to be recorded under Section 364 of the Cr.P.C. in the month of February, 2017. The minor girl has specifically stated that in Bangladesh she was introduced to one boy name Jishan, who assured that she will be provided work in a beauty parlour and she was brought to Kolkata and from Kolkata this person brought her to Hawda where she was handed over to the present Applicant and she accompanied him to Mumbai. She stayed with him for two days and before the raid was conducted, he is alleged to have committed forcible sexual intercourse with her.

5] On completion of investigation, charge-sheet is filed and it is informed that all the victim girls are repatriated to their country.

6] The accusations faced by the Applicant is that he brought minor victim girl from Kolkata and induced her into prostitution. The Applicant is incarcerated since last five years and inspite of framing of charge trial has not yet commenced. It is also not clear as to whether the victim girl would be available for examination.

7] Considering the consequences of trial and long incarceration, he deserve to be released on bail.

8] It is made clear that the observations made above are restricted for determination of the application and the trial Court in any way shall not be influenced by the above observations, which are prima facie in nature.

Hence, the following order :

- (a) Application is allowed.
- (b) Applicant – Sagar @ Tapas Ajit Chakraborty shall be released on bail in connection with C.R.No.I-27/2017 registered with Shil Daighar Police Station on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.
- (c) On his release, the Applicant shall furnish his residential address alongwith contact number to the Investigating Officer.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) The Applicant shall regularly attend trial, on every date, unless he is exempted.

[BHARATI DANGRE, J]