

18.04.2023
tkm/ct 28
sl no.55

C.R.M. (DB) 1527 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Mandir Bazar PS case no. 2 of 2021 dated 1.1.2021 under sections 363/365/366A/370/370A/372/373/376/120B/34 IPC and sections 6/17/21 of the POCSO Act and section 5 of the Immoral Traffic (Prevention) Act

And

In Re : Baleswar Gupta @ Baleswar Mahabir Gupta @ Suraj & Anr.
..... petitioners

Mr. U Ali Dewan
Mr. Asif Dewan

..... for the petitioners

Mr. R D Nandy
Ms. Sreeparna Das

..... for the State

Petitioners are in custody for more than two years. It is submitted victims had indulged in flesh trade due to poverty. They did not procure the victims against their will. They pray for bail.

Learned lawyer for the State opposes the bail. He submits victims are minor.

We have considered the materials on record. Victims came from impoverished families. On the false promise of giving employment they were taken to Mumbai and thereafter introduced to flesh trade. These compelling circumstances leave no doubt that victims had little volition in the matter of sexual exploitation. Petitioners are involved in procuring and trafficking victims for sexual exploitation.

In view of the aforesaid incriminating materials and nature of crime involving interstate trafficking of women for sexual exploitation, we are not inclined to grant bail to the petitioners.

Accordingly prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)