

27.07.2023
Sl. No.24
as
[Rejected]

C. R. M. (DB) 2972 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.07.2023 in connection with Cyber Crime Police Station (KPD) Case No. 42 of 2022 dated 08.10.2022 under Section 376C of the Indian Penal Code and Sections 4/12 of the POCSO Act.

And

In Re: ***Imjamul Haque Biswas***

... .. Petitioner

Mr. Soubhik Mitter
Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... .. for the petitioner

Mr. Santanu Talukdar
Mr. Priyankar Ganguly
Ms. Neelanjana Ghorui

... .. for the de-facto complainant

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 200 days. It is further submitted he has been falsely implicated. Photographs seized during investigation are neither objectionable nor obscene. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had threatened one of the victim girls during trial.

Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits petitioner was the head of the coaching institute where the minor victim girls have been violated.

In rebuttal, it is contended that two minor victim girls have already been examined.

We have considered the materials on record. Evidence of the minor victims shows that they have been coerced and sexually exploited. Impact of the photographs seized in course of investigation has to be examined in the light of their deposition in course of trial. Conduct of the petitioner in threatening one of the minors does not inspire confidence. Under such circumstances, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

The application for bail is thus rejected.

Trial court is directed to expedite the trial and conclude the same at an early date.

Parties shall communicate a copy of this order to the trial court for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)