

18.12.2023.
122
Ct.No.28
b.das
(rejected)

C.R.M. (DB) 4354 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Town P. S. Case No.284 of 2023 dated 11.09.2023 under Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Sections 4/6/17 of the POCSO Act.

In the matter of : **Swapan Karmakar**
... Petitioner.

Mr. Uday Sankar Chattopadhyay
Ms. T. Rakshit
Ms. A. Datta
...for the Petitioner.

Mr. Joydeep Roy
Ms. Sujata Das
...for the State.

1. Heard learned Advocates for the parties.
2. Petitioner contends that he is in no way connected with the offence of sexual exploitation in the hotel. He is in custody for more than 98 days.
3. He further contends that the statement of the minor do not show that they have been subjected to sexual assault. He prays for bail.
4. Learned lawyer for the State opposes the prayer for bail and submits that petitioner is the leaseholder of the hotel.
5. Statements of witnesses and other documents show sex work used to be carried on in the hotel premises. There are prima facie materials that petitioner was the leaseholder and was aware prostitution was being carried on in the hotel.

6. Accordingly, we are not inclined to grant bail to the petitioner at this stage.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)