

18.12.2023  
tkm/ct 28  
sl no. 138

**C.R.M. (DB) 4370 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Mandarmoni Coastal PS case no. 28 of 2019 dated 19.7.2019 under sections 366A/368/370/370A/372/373/120B/34 IPC and section 3/4/5/6/7/9 of the Immoral Traffic Prevention Act read with sections 4/6/17/21 of the POCSO Act

And

In Re : Sambhu Kundu @ Shambhu Kundu ...petitioner

Smt. Sreeparna Das

Ms. R Das

Mr. S Roy Choudhury

..... for the petitioner

Md. Rafiqul Islam

Mr. Amanul Islam

..... for the State

1. Petitioner contends he was on bail earlier. Subsequently his bail came to be cancelled by a co-ordinate Bench of this court. Cancellation was upheld by the Hon'ble Apex Court. Thereafter he has been re-arrested and is in custody. He prays for bail.

2. Learned lawyer for the State submits petitioner is the owner of the restaurant where the victims were subjected to prostitution.

3. We have considered the materials on record. Petitioner has played an active role in trafficking women for sexual exploitation. Offences have far reaching consequences in society. Vulnerable witnesses are yet to be examined.

4. Under such circumstances, we are not inclined to grant bail to the petitioner.

5. Accordingly, prayer for bail is rejected.

6. Trial court is requested to ensure prompt consideration of charge and upon framing of charge, examination of the vulnerable witnesses at the earliest.

7. District Legal Services Authority shall take prompt steps for rehabilitation of the victims and release of interim compensation to them.

8. Investigating agency shall ensure that the vulnerable witnesses are protected from the malevolent influence of the petitioner and other co-accused.

9. Copy of the order be communicated to the trial court for necessary compliance.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**