

20.12.2023.
51.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4560 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P.S. Case No.462 of 2023 dated 14.06.2023 under Sections 363/366A/370/370A/372/373/120B/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act and Sections 3/4/5/6/7/9 of Immoral Traffic (Prevention) Act.

In the matter of : **Chandan Sardar & Anr.**

.... Petitioners.

Mr. A. R. Pati.

...for the Petitioner.

Mrs. Anasuya Sinha.

...for the State.

Ms. S. Chowdhury.

...for the de-facto complainant.

1. Petitioners submit victims were known to them before. They had a romantic relationship. They have been falsely implicated. They pray for bail.
2. Learned Advocate for State opposes the bail prayer. She contends prostitution racket was carried on in the hotel.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Statements of the victims show that petitioners had accompanied the victims to the hotel. It is contended they were love in with one another. The evidence would show that the petitioners are customers in the hotel where prostitution was being carried out.
5. Keeping in mind the extent of their complicity in the crime, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act, Paschim Medinipur subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)