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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 718 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.11.2022 in connection with Siliguri Police Station Case No. 1066 of 2022 dated 15.11.2022 under Sections 3/4/5/6 of the Immoral Traffic (Prevention) Act.

In the matter of : Minhajul Hoque

... Petitioner

Mr. Sandip Dutta,
Mr. Sudip Guha

...for the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel for the parties.

The allegations against the petitioner are under Section 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act.

It is contended that there has been complaint and counter-complaint between the petitioner and the victim. The petitioner used to be in a live-in relationship with the victim girl and, as such, was in no way guilty of the offences alleged. It is also contended that the petitioner sought to bring the victim girl to the mainstream of society. It is submitted that the alleged victim sought to blackmail the

petitioner in various manners by showing compromising several photographs of them.

Learned counsel appearing for the State cites a statement of an independent witness taken under Section 161 of the Code of Criminal Procedure to indicate that there was *prima facie* evidence of the offence.

We find from the said statement of one Jyotsna Nandi, a witness, that her statement is preceded by the contention that the said witness had come to know from the victim that the present petitioner had assured the said victim of marriage and taken the victim girl to prostitution.

However, on the face of it, such allegation appears to be hearsay and cannot be clinching to prove the offence, rather casts suspicion on the allegation levelled against the petitioner.

Accordingly, CRM (A) 718 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner, namely, Minhajul Hoque, shall be released on bail upon furnishing a bond of Rs.10,000 (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri and on further condition that the petitioner shall not leave

the territorial jurisdiction of the concerned police station and cooperate with the investigation and make himself available in the event so required to be present by the Investigating Officer.

CRM (A) 718 of 2022 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)