

24.01.2024.
44.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 210 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.158 of 2023, CIS Registration No.155/2023, J.O. Court No.WB:00935, under Sections 342/323/354/354B/419/465/506/34 of the Indian Penal Code and adding Sections 6/17 of the POCSO Act, Techno City P.S. Case No.170 of 2023 dated 10.09.2023 under Sections 342/323/354/354B/419/465/506/34 of the Indian Penal Code.

In the matter of : **Vishwamitra Jee Tiwari @ Raja Tiwari.**
... Petitioner.

Mrs. Ansuya Sinha,
Mr. Satardu Lahiri,
Mr. Abdul Hamid Molla,
Mr. Mukteswar Maity,
Md. Abdul Halim.

...for the Petitioner.

Mrs. Rituparna De Ghose.

...for the State.

1. Petitioner contends no allegation of rape is levelled against him. Co-accused viz., Madhu Singh @ Madhu Kurmi has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. She contends one Abhishek Kasyap had lured the victim on the false promise of love and persuaded her to shift to a different premises. There she was forcibly raped. Thereafter, the accused persons sought to compel her to deal in drugs, she refused. When her parents came to rescue her, petitioner resisted them from taking her away.

3. We have considered the materials on record. Victim is a young girl who was staying as a paying guest. One Abhishek Kasyap pretended to fall in love with her and with the aid of co-accused Madhu Singh @ Madhu Kurmi shifted her to another premises. There she was detained and raped. She was coerced to trade in narcotics. When she refused and her father came to rescue her, petitioner and others prevented her from being recovered. The aforesaid facts show that petitioner is a conspirator in the crime of detaining the victim for immoral purposes. Abhishek Kasyap is absconding. Madhu Singh is a lady and has been enlarged on bail. Petitioner cannot claim parity with her.

4. Keeping in mind the nature of offence and the role of the petitioner therein, we are of the opinion this is not a fit case to grant bail to the petitioner at this stage.

5. Accordingly, the prayer for bail of petitioner is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)