

14.03.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 820 of 2024

In Re : An application for bail under section 439 Cr.P.C in connection with New Town PS case no. 284 of 2023 dated 11.9.2023 under sections 3,4,5,7 of the Immoral Traffic (Prevention) Act read with sections 4,6 and 17 of the POCSO Act

And

In Re : Tapan Mishra @ Misra petitioner

Mr. Prasad Bhattacharya

..... for the petitioner

Ms. Eshita Dutta

..... for the State

1. Petitioner is in custody for 185 days. He submits co-accused is on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner is the employer of the guesthouse where immoral activities were being carried on. Statement of the victim exonerated the co-accused.
3. We have considered the materials on record. Petitioner was working in the guesthouse where immoral activities were being carried on. This discloses his complicity in the crime. Co-accused was not implicated by the victim. He had come to the guesthouse with his friend. Accordingly, petitioner cannot claim parity with the co-accused who is on bail.
4. Under such circumstances and in view of the gravity of offence which has far reaching social consequences, we are not inclined to grant bail to the petitioner.
5. Accordingly, prayer for bail is rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)