

06.05.2024.
16.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 1235 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kharagpur Town P.S. Case No.431 of 2022 dated 20.07.2022 under Sections 363/365 of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 363/365/376(D)/120B of the Indian Penal Code and under Section 6 of the POCSO Act.

In the matter of : **1) Bishnu Nimkhari @ Raj Malhotra,**
2) Bipin Nimkhari.
... Petitioners.

Mr. Soumik Ganguli.
...for the Petitioners.

Mr. Partha Pratim Das,
Mr. Karan Bapuli.
...for the State.

Mr. Sobhan Majumdar.
...for the Victim.

1. Petitioners submit that the mother of the victim girl had instituted criminal cases earlier alleging kidnapping and rape against co-accused. Presently, petitioners have been falsely implicated. They pray for bail.

2. Learned Advocate for the State submits one Prothom Chowdhury and Gautam Pramanik were utilizing the victim girl for sex trafficking. Petitioners took the victim to Odissa and raped her.

3. Learned Advocate for the victim opposes the bail prayer.

4. We have considered the materials on record. Genesis of the case reveals continuous sexual exploitation of the victim. Mother of the victim lodged a criminal case against Prothom Chowdhry, a co-accused alleging kidnapping and rape. Thereafter, she again lodged another case against Gautam Pramanik. Presently, the aforesaid accused had again procured the victim for sexual exploitation by the petitioners. These materials disclose an organized crime racket to sexually exploit the victim.

5. In view of the nature of the crime and *prima facie* involvement of the petitioners therein, we are not inclined to grant bail to the petitioners at this stage.

6. Accordingly, the prayer for bail of the petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)