

02.01.2024
tkm/ct 28
sl no.62

C.R.M. (DB) 2609 of 2022

In Re : An application under section 439(2) read with section 482 of the
Code of Criminal Procedure

And

In Re : Agnivesh Dutta petitioner

Mr. S Basu Roy Chowdhury
Mr. Tapas Paul

..... for the petitioner

Mr. Arindam Sen
Mr. Saurav Basu
Mr. A Bera

..... for the OP no. 2

Mr. N Ahmed
Mr. Abhra Mukherjee
Ms. Manisha Sharma

..... for the State

1. Order dated 11.5.2022 granting bail to opposite party no. 2 in an offence of sex trafficking has been assailed.
2. Learned lawyer for the petitioner submits that court below had not considered the gravity of offence. He prays for cancellation of bail.
3. In terms of our earlier direction, State submits report with regard to status of the proceeding.
4. We have heard learned lawyer for the parties. We have also perused the report submitted by the State. Report states that the deposition of the victim is complete. Pre-trial detention is for the purpose of investigation and ensuring protection of vulnerable witness. Victim i.e vulnerable witness has already been examined. Though we are of the opinion that the order granting bail is not happily worded in light of the progress in

the matter i.e. examination of the victim girl having already concluded, we find no reason to cancel the bail of opposite party no. 2.

5. We request the trial court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence.
6. All parties including opposite party no. 2 shall co-operate with the trial court in the matter.
7. In the event opposite party no. 2 fail to do so, it shall be open to the petitioner to renew his prayer for cancellation of bail.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)