

38.
Court
No.28

04.10.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3015 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **New Town** Police Station Case **No.284/2023** dated **11.9.2023** under Sections **3/4/5/7** of the Immoral Trafficking (Prevention) Act, 1956 and Sections **4/6/17** of POCSO Act.

And
In the matter of: - **Swapan Karmakar**

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

...petitioner.

...for the petitioner.

Ms. Baisali Basu
Ms. Trina Mitra

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Service report filed by the State be kept with the records. In spite of service nobody appears for the *de facto* complainant/victim.
2. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case, since none of the victim girls implicated him even during their examination-in-chief. There is nothing on record to show that the present petitioner has sexually exploited the victim girls. He is in custody for about one year and 10 months. Considering the material depositions of the victim girls, he may be enlarged on bail on any condition that this Court may decide.
3. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials

against the present petitioner since he is the lease-holder of the relevant hotel where such immoral activities were going on. She prays for rejection of the bail prayer.

4. We have gone through the materials on record. We have also considered the depositions of the victim girls. We find that this is a fit and proper case where the petitioner may be enlarged on bail on certain conditions.
5. Accordingly, we direct that the petitioner, namely, **Swapan Karmakar** 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 Judge, Special Court under POCSO Act, Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Barasat, North-24 Parganas except for the purpose of attending Court proceedings and shall furnish his present address, where he will be residing, to the Inspector-in-Charge of New Town Police Station and shall also meet the Inspector-in-Charge of the Kashipur Police Station, South 24-Parganas, once in a week, until further orders. The petitioner shall deposit his passport, if there be

any, with the learned Trial Court immediately after being released on bail.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 3015 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)