

21.11.2024  
07  
Ct. No. 28  
SG  
[REJECTED]

**C. R. M. (A) 3914 of 2024**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special T.R. Case No. 128 of 2024 arising out of Shibpur Police Station Case No. 337 of 2024 dated 02.08.2024 under Sections 64(1)/49 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 3/4/5/6/7/9 of the Immoral Traffic Prevention Act read with Sections 4/17 of the POCSO Act.

And

In Re: **Ashok Samanta.**

... ... Petitioner

Mr. Kallok Mondal,  
Mr. Mrityunjoy Chatterjee,  
Mr. Krishan Ray,  
Mr. Souvik Das,  
Mr. Anamitra Banerjee.

..... for the petitioner

Mr. Madhusudan Sur,  
Ms. Debolina Dey.

..... for the State

1. Petitioner submits he is the owner of the building. He had let out the building to one Abdul Razaque who was carrying on hotel business. Trade licence was in his name. Subsequently, he came to know Abdul Razaque was carrying on immoral activities in the building. He has been falsely implicated. He prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He contends petitioner had ostensibly let out the hotel. Petitioner himself was carrying on business through Abdul Razaque in whose name the trade licence was obtained. Statement of Abdul Razaque implicates him in the crime. He was fully aware of the immoral activities carried on in his hotel.

3. We have considered the materials on record. Allegations involve carrying out prostitution in a hotel. Number of underage women who were used for prostitution were rescued. Petitioner is the owner of the premises and the hotel business stands in the name of one Abdul Razaque. Abdul Razaque was arrested and his statement discloses petitioner was carrying on business in his name. In view of the aforesaid materials on record, we are of the opinion petitioner had created a sham to screen his involvement in the immoral business of prostitution carried on in the building. Petitioner did not join investigation and absconded. His custodial interrogation in course of further investigation may reveal incriminating materials with regard to his involvement in the organized crime activity.

4. Keeping in mind these facts and the nature of the offence which has far reaching social implications, we are not inclined to grant anticipatory bail at this stage.

5. Accordingly, the application for anticipatory bail is, thus, rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**