

10.01.2024
Sl. No.37
akd
[Rejected]

C. R. M. (DB) 4864 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2023 in connection with Kultali Police Station Case No.543 of 2020 dated 29.12.2020 under Sections 363/365/346/354/354A/354B/363A/367/368/371(5)/372/506/509 of the Indian Penal Code read with Sections 8/12/17 of the POCSO Act and Section 75 of the Juvenile Justice Act. (G.R. Case No.7428 of 2020)

And

In Re: **Saheb Alam**

... .. Petitioner

Mr. Avik Ghatak
Mr. Subrata Sardar
Mr. Abhinav Rakshit

... .. for the petitioner

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mridha

... .. for three victims

Mr. Swapan Banerjee
Md. Kutubuddin

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 100 days. It is further submitted over the selfsame incident another FIR was registered in Bihar for trafficking of victims. Petitioner has been convicted in the said case. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victims had been kidnapped and trafficked for sexual exploitation. Charges proposed to be framed in the instant case are distinct from those framed in the Bihar case.
3. Learned Advocate for the victims also opposes the prayer for bail.
4. We have considered the materials on record. Case involves trafficking of victims for sexual exploitation. Petitioner had been booked in another case in Bihar with regard to the selfsame victims.

Though some of the charges in this case and those framed in the Bihar case are overlapping, there are other charges distinct and different from those in the Bihar case for which the petitioner is proposed to be tried in this case. Hence, it cannot be said that the petitioner is being tried for the same offence twice.

5. Under such circumstances particularly in view of the materials on record which involves organised crime racket in trafficking women for sexual exploitation and since the victims are yet to be examined, we are not inclined to grant bail to the petitioner at this stage.
6. The application for bail is thus rejected.
7. Trial court is directed to consider the issue of framing of charge on the next day fixed keeping in mind the charges in which the petitioner had already been tried in the Bihar case and upon the charge being framed to conclude trial at an early date preferably within one year from the date of framing of charges.
8. Parties shall communicate a copy of this order to the trial court for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)