

16.04.2025
Item no.16
Court No.39
srm

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(DB) 755 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mograhat Police Station Case No.03/2023 dated 02.01.2023 under Sections 365/366 of the Indian Penal Code, 1860 and under Section 5 of the Immoral Traffic Prevention Act;

And

In Re : Samsul Sk @ Saddam

.... Petitioner

Mr. Supriyo Shasmal

...for the Petitioner

Mr. Saryati Datta,
Ms. Ayana De

... for the State.

Service report along with status report filed by the State is taken on record.

It is found that service has been effected upon the *de facto* complainant.

Learned Advocate for the petitioner submits that petitioner is in custody for more than two years one month. Only 3 out of 25 witnesses have been examined. On the ground of delay in progress of trial, the co-accused has been granted bail. Since the petitioner stands on the same footing, he seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are specific allegations against the petitioner of trafficking the victim to Delhi for sexual

exploitation. Further, the petitioner has been identified in the Test Identification parade. He also indicates that the State would examine another six witnesses which will be completed within a period of six months. He seeks for dismissal of the application.

From the status report furnished by the State, it is found that only 3 out of 25 charge sheeted witnesses have been examined and 22nd April, 2025 is fixed for evidence of the witnesses. The petitioner is in custody for more than two years one month.

Be that as it may, since there are *prima facie* allegations against the petitioner of trafficking the victim to Delhi and also of sexual exploitation, the petitioner does not stand in the same footing as of the co-accused. Considering the above and the gravity of the offence, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

However, the learned trial court is directed to expedite and conclude the trial at an early date.

The application for bail being **CRM (DB) 755 of 2025** stands dismissed.

(Bivas Pattanayak, J.)