

16.04.2025
Item no.20
Court No.39
ss

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

C.R.M.(DB) 855 of 2025

In Re:- An application under Section 439 of the Code of Criminal Procedure 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Canning Police Station Case No.179 of 2016 dated 22.03.2016 under Sections 120B, 363, 366A, 367, 370, 370A, 372, 376(2)(i) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Mosaraf Laskar @ Raju

.... Petitioner

Mr. Deepak Prahladka
Ms. Reshmi Khatun

....for the petitioner

Mr. Bitasok Banerjee
Ms. Ayana Dey

..... for the State

Learned Advocate for the petitioner submits that the petitioner is in custody for more than 8 years. There has been delay on the part of the prosecution to conclude the trial, which cannot be attributed to the petitioner. He submits that cross-examination of P.W.1 on behalf of the petitioner was declined by the learned trial court on 18th January, 2018 and such order has been assailed in revision before this Court being CRR 4984 of 2023. He also indicates that despite direction of this Hon'ble Court vide order dated 5th July, 2022 passed in CRM (DB) 2026 of 2022 to conclude the trial expeditiously within a period of six months but till date the trial has not been concluded. In view of the considerable period of detention undergone by the petitioner

without conclusion of the trial, he seeks for enlargement of the petitioner on bail.

On the contrary, opposing the prayer for bail learned Advocate for the State submits that the examination of the prosecution witnesses has been concluded save and except cross-examination of Investigating Officer, which has been deferred since July, 2024 at the instance of the petitioner. He also submits that tomorrow, that is, on 17th April, 2025 is fixed for further cross-examination of the Investigating Officer. As soon as the cross-examination of the Investigating Officer is concluded by the learned Advocate for the petitioner, the trial court would be able to dispose of the case. Further the petitioner is involved in inter-State trafficking of women and has been implicated in earlier cases of the similar nature. One of the female accused was granted bail. However, as she failed to turn up, coercive step was taken by the trial court for ensuring her attendance before the court, which has added to the delay in progress of the trial. He seeks for dismissal of bail application bearing in mind the nature and gravity of the offence.

Perused the case diary and materials on record.

The material on record including the evidence of the victim shows involvement of the petitioner in inter-State trafficking for women for sexual exploitation. It is not in dispute that the prosecution has examined 10 witnesses and only the cross-examination of the Investigating Officer is left to be concluded, which is scheduled tomorrow, that is, on 17th April, 2025.

Considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

Learned trial court is directed to conclude the trial at an early date without granting any unnecessary adjournment to either of the parties.

Parties shall co-operate with the trial court in concluding the cross-examination of the Investigating Officer.

The application for bail being **CRM (DB) 855 of 2025** stands dismissed.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)