

05. Court No.39 13.05.2025 (Tanmoy)
Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (M) 232 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of Baguiati PS Case No. 231/2024 dated 16.4.2024 under Sections 343, 366, 366B, 368, 370, 372, 373, 120B of the Indian Penal Code, 1860 and Section 5 of the Immoral Traffic (Prevention) Act, 1956 now pending before the Court of the learned Judge, Special POCSO Court, Barasat, North 24-Parganas.

And

In the matter of: - AVIJIT SWAIN @ ABHIJIT SWAIN

...petitioner.

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Abir Ranjan Neogi
Mr. Karan Bapuli

...for the petitioner.

Mr. Arijit Ganguly
Mrs. Manasi Roy

...for the State.

Ms. Trina Mitra

...for the victim
through High Court Legal Aid.

1. Learned Senior Advocate for the petitioner submits that no such incriminating materials transpires from the evidence of any of the prosecution witnesses against the petitioner. The victim was kept in the house, belonging to the mother of the petitioner, rented to one of the accused, namely, Diya. The petitioner had no information of such fact and is in no way involved in the offences alleged. The statement of the victim before the Magistrate is nothing but an improvement of the

case of the prosecution. He seeks for enlargement of the petitioner on bail.

2. Opposing such prayer for bail, learned Advocate for the State submits that the involvement of the petitioner is very much evident from the statement of the victim made before the Magistrate. There are evidences that the victim was wrongfully confined and this petitioner used to guard the house. She seeks for dismissal of the application for bail. She informs the Court upon instruction from the Investigating Officer, that though there are 22 charge-sheet named witnesses but the prosecution proposes to examine only 12 witnesses out of which eight witnesses have already been examined and there are only four witnesses remains to be examined.
3. Learned Advocate for the victim/*de facto* complainant also opposes the prayer for bail on the ground canvassed by the State.
4. Perused the case diary and the materials on record.
5. The statement of the victim before the Magistrate implicates the petitioner of trafficking her from Bangladesh. There is deposition of witness before the Court which shows that the house, where the victim was kept, was being guarded by this petitioner. In view of such materials as indicated above and the gravity of the offence, I am not inclined to grant bail to the petitioner.
6. Accordingly, the bail prayer is rejected.

7. The learned Trial Court is directed to expedite the trial to the fullest extent and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.
8. The prosecution is directed to produce the witnesses as per the schedule for examination of witnesses fixed by the learned Trial Court.
9. Parties shall co-operate with the trial during examination of witnesses.
10. Parties shall communicate this order to the learned Trial Court forthwith.
11. The application being CRM (M) 232 of 2025 is accordingly dismissed.

(BIVAS PATTANAYAK, J.)