

09.07.2025
Item no.11(DL)
Court No.42
srm
(Rejected)

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

C.R.M.(M) 708 of 2025

In Re: An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure) in connection with ST Case No.03(09)2024, Special Case No.71/2024 arising out of Baguiati Police Station Case No.231/2024 dated 16.04.2024 under Sections 343/366A/366B/368/370/372/373/120B of the Indian Penal Code, Section 5 of the Immoral Traffic (Prevention) Act, 1956 and added Section 14A of the Foreigners Act and Section 12 of the Protection of Children from Sexual Offences Act and charges framed against the petitioner under Section 343/366A/366B/368/370(4)/372/373/120B of the IPC, Section 5 of the Immoral Traffic (Prevention) Act, 1956 and Sections 4/17 of the Protection of Children from Sexual Offences Act, pending before the learned Special Judge (POCSO Act), Barasat, North 24-Parganas.

-And-

In the matter of : Obaydulla Tarafdar @ Obaidulla

.... Petitioner

Mr. Angshuman Chakraborty,
Mr. S.S. Saha

...for the Petitioner.

Mr. Suman De,
Ms. Puja Goswami

...for the State.

Mr. Bibaswan Bhattacharya

...for the *de facto* complainant.

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

The petitioner renews his prayer for bail.

Learned Advocate for the petitioner submits that the victim girl has not identified the petitioner on dock during her examination before the trial court and has also not named the

petitioner. The petitioner has been implicated solely on the basis of the statement of a co-accused person. On the previous occasion when the bail prayer of the petitioner was taken up for hearing by this Hon'ble Court in CRM (DB) 364 of 2025, it was submitted on behalf of the State that it proposes to examine only 12 out of 22 charge sheeted witnesses. However, the record will show that the prosecution has already examined more than 12 witnesses which presupposes that a wrong submission was advanced before the Hon'ble Court on the earlier occasion. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the petitioner is a part of an organized crime of child trafficking which are evident from the statements of the witnesses. Although during hearing of bail application in CRM (DB) 364 of 2025 it was submitted that 12 witnesses out of 22 charge sheeted witnesses would be examined on behalf of the prosecution but 4 doctors, who are vital witnesses, were to be examined which possibly could not be indicated at that point. Already examination of 13 witnesses has been completed and 4 remains to be examined. She seeks for dismissal of the application.

Learned Advocate for the *de facto* complainant submits that grounds taken by the petitioner have been considered in the previous application. The petitioner is a part of an organized crime of child trafficking and considering the gravity of the offence previously the bail application of this petitioner was rejected. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

It is fact that on the previous occasion during hearing of bail application being CRM (DB) 364 of 2025 the prosecution proposed to examine 12 out of 22 charge sheeted witnesses. It is informed that 13 witnesses have already been examined and 4 more remains to be examined. Which are the charge sheeted witnesses to be examined is solely for the prosecution to decide. The report filed before this Court by the State clarifies that two independent witnesses and two investigating officers i.e. four witnesses remains to be examined.

The grounds pressed into service in the present application were considered in earlier application being CRM (DB) 364 of 2025. The Hon'ble Court while dismissing the bail application observed as follows:

"4. The allegation is of child trafficking. This is a heinous kind of organized crime. All persons involved in such a crime may not come to the fore front and may not be identified by the victim. Many of the involved persons operate behind the curtains."

No fresh grounds have been raised in the present application. Considering the above, I am not inclined to grant bail to the petitioner.

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

However, the 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.

Prosecution is directed to produce witnesses before the Trial Court on the schedule dates.

Parties are directed to cooperate in the trial before the Trial Court.

The application for bail being ***CRM (M) 708 of 2025*** stands dismissed.

(Bivas Pattanayak, J.)