

29.10.2025
Item no. 5(DL)
Court No.42
AN
(ALLOWED)

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

C.R.M.(M) 1208 of 2025

In Re: An Application for Bail under Section 439 of Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO 103/2021 arising out of 761 of 2015 registered at Naihati Police Station Case No. 761 of 2015 dated 04.12.2015 under Sections 370, 370A, 373, 368, 366A of the Indian Penal Code, 1860, Sections 3, 4, 5, 6, 7 & 9 of Immoral Traffic (Prevention) Act, 1956 and Section 17, 21 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the Court of learned Special Judge, POCSO, Barrackpore.

-And-

In the matter of : Vijendra Gowda @ Vijay & anr.

.... Petitioner

Mr. Sagar Bhosale
Mr. Pandit Kasar
Mr. Karan Bapuli

...for the Petitioner.

Mr. Madhusudan Sur
Mrs. Sima Biswas

...for the State.

1. Supplementary affidavit filed on behalf of the petitioners is taken on record.

2. Learned counsel appearing for the petitioners submit that over a complaint being lodged by the mother of the victim girl before the Naihati Police Station of missing of her daughter a case was initiated under Sections 363, 366 of the Indian Penal Code. Subsequently, the victim girl was recovered from Hotel Viraj International under Narayangaon Police Station, Pune and another case was registered being Narayangaon Police Station Case No. 321 of 2017 dated 23rd October, 2017 under Sections

370(3), 371, 341, 366A of the Indian Penal Code, 1860 and Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Sections 4, 8 and 12 of POCSO Act, 2012 against the applicants herein who happens to be the owners of the aforesaid hotel. After prolonged incarceration of about five and half years, they were granted bail by the Hon'ble Bombay High Court in Criminal Bail Application No. 337 of 2023 in respect of Narayangaon Police Station Case No. 321 of 2017. On the self-same cause of action, the petitioners are detained in custody in Naihati Police Station Case No. 761 of 2015 dated 4th December, 2015 since 25th April, 2022. Further there are no such allegations against the petitioners of trafficking the victim girl. The allegations of trafficking and putting the victim girl into prostitution are squarely against the accused Purnima and Meenakshi who are still absconding. Upon completion of investigation, charge sheet has been submitted and the petitioners are in custody in the instant case for more than three years. He seeks for enlargement of the petitioner on bail.

3. Learned counsel for the State, opposing such prayer for bail, submits that the victim has been trafficked from one State to another and forcibly put to prostitution. The petitioners are the owners of the brothel where prostitution is being carried on. He seeks for dismissal of the bail application.

4. Despite service none appears on behalf of the *de facto complainant*.

5. Perused the case diary and the materials on record.

6. As per the case of the prosecution on 1st December, 2015, while the victim was returning from school, she was

trafficked by one Purnima and was forced to prostitution by one Meenakshi in different places. The victim was recovered from a hotel under Narayangaon Police Station, Pune and a specific case was initiated being Narayangaon Police Station Case No. 321 of 2017 dated 23rd October, 2017 under Sections 370(3), 371, 341, 366A of the Indian Penal Code, 1860 and Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Sections 4, 8 and 12 of POCSO Act, 2012. Admittedly, these petitioners are the owners of the aforesaid hotel. Be that as it may, the order of the Hon'ble Bombay High Court annexed to the supplementary affidavit shows that the petitioners have been enlarged on bail vide order dated 20th April, 2023 in respect of the Narayangaon Police Station Case No. 321 of 2017 dated 23rd October, 2017. Primarily, it appears that both the cases have been initiated after the victim girl went missing and her subsequent recovery. The petitioners are in custody in the instant case for more than three years and on completion of investigation, charge sheet has already been submitted. It is informed by the learned counsel representing the State that the other two accused persons viz. Purnima and Meenashi are still absconding. Considering the aforesaid, I am inclined to enlarge the petitioner on bail on stringent conditions.

7. Accordingly, the petitioners, namely, **Vijendra Gowda @ Vijay and Mahesh Gowda** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two registered sureties of like amount each, to the satisfaction of the **learned Special Judge, POCSO, Barrackpore** subject to the following conditions:

(i) The petitioners shall appear before the learned Trial Court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(ii) The petitioners shall not intimidate the victim, witnesses and/or tamper with evidence in any manner whatsoever.

(iii) The petitioners shall meet the Investigating Officer of the case once in a month, until further orders.

(iv) The petitioners shall not enter the territorial jurisdiction of the Police Station where the victim resides except for the purpose of attending court proceedings and for reporting to the investigating officer of this case until further orders.

(v) The petitioners shall furnish the address where they shall presently reside before the learned trial court and the investigating officer.

8. In the event the petitioners fail to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

9. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

10. Accordingly, the application for bail being **CRM (M) 1208 of 2025** is disposed of.

(Bivas Pattanayak, J.)