

04.09.2025
Item no. 07
Court No.42
an

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

C.R.M.(M) 1454 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Newtown P. S. Case No. 284 of 2023 dated 11.09.2023 having Sessions Trial No. 1(6) of 2024 under Sections 366A/370/370A/34 of the Indian Penal Code read with Sections 3/5/6(2A)/7/4/6 of Immoral Traffic (Prevention) Act and Section 4 read with Section 17 and Section 6 read with Section 17 of Protection of Children from Sexual Offences Act, 2012, now pending before the learned Additional District and Sessions Judge, Special (POCSO) Court at Barasat, North 24 Parganas.

In Re : **Abhijit Barat**

.... Petitioner

Mr. Tathagata Majumder,
Ms. Neha Chakraborty
Ms. Somashree Banerjee

...for the Petitioner

Mr. Subhamoy Bhattacharya,
Ms. Puja Goswami

...for the State

1. Status report filed by the State is taken on record.
2. Learned advocate for the petitioner submits that the petitioner runs a cloud kitchen which is close to the Guest House from where the victims were recovered. The petitioner has got no nexus whatsoever with the present case. The evidence of the victim girls is exonerative in nature. Although the petitioner was identified by victim girl no.2 in Court, yet there are no implications so far as the petitioner is concerned. The other co-accused persons

have been granted bail by this Hon'ble Court. The petitioner is in custody for more than 2 years. He seeks for enlargement of the petitioner on bail.

3. Learned counsel representing the State opposes such prayer for bail and submits that the victim girl no.2 identified this petitioner of calling her to go to the place of the occurrence. The alleged offence is of trafficking and sexual exploitation of the victim girls. He seeks for dismissal of the bail application.
4. Despite service, none appears for the *de facto* complainant.
5. Perused the case diary and the materials on record.
6. Although the victim girl no.2 in her deposition has identified this petitioner in Court and stated that he called her, however, in cross-examination, she has made exonerative statement. Considering the aforesaid, I am inclined to enlarge the petitioner on bail on stringent conditions.
7. Accordingly, the petitioner, namely, **Abhijit Barat** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special POCSO Court, Barasat, North 24 Parganas. The petitioner 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 and shall not intimidate the victim, witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall report to the Inspector-in-Charge of New Town Police Station once in a week or until further orders. The petitioner shall not enter the territorial jurisdiction of Mominpur Police Station and New Town Police Station except for the purpose of reporting to the Inspector-in-Charge of the New Town Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside.

8. In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his 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) 1454 of 2025** is disposed of.

(Bivas Pattanayak, J.)