

04.09.2025
Item no.5
Court No.42
ss
(Dismissed)

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

CRM (M) 1434 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No.66 of 2024 corresponding to Special Trial No.04(04) of 2025 arising out of Chitpur P.S. Case No. 217 of 2024 dated 14.12.2024 under Sections 61(2)/96/143/144 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4/17 of POCSO Act and Sections 3/5/6 of the Immoral Traffic Prevention Act, now pending before the learned Additional District & Sessions Judge, 1st Court, Sealdah.

In Re : **Souvik Saha @ Tubai**

.... Petitioner

Mr. Sujan Chatterjee,
Mr. Rajdeep Banerjee
Mr. Rohan Bavishi

...for the Petitioner

Mr. Prashun Kumar Dutta,
Ms. Baishakhi Chatterjee

...for the State

Ms. Jhuma Sen
Ms. Arpita De
Mr. Samsul Laskar

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim in her deposition has implicated one Ayan Bera of taking her to the house of the principal accused, Arpita Das, which is a clear departure from the earlier statement made before the investigating agency. There are no such allegations against this petitioner who happens to be the husband of the principal accused, save and except that such offence has taken place in his flat. The principal accused has been enlarged on interim bail by the learned trial court. The petitioner is in custody for 261 days. He seeks for enlargement of the petitioner on bail.

2. Opposing such prayer for bail, learned Advocate for the State submits that the victim consistently implicated this petitioner of trafficking her and putting her to prostitution. He seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant submits that the bail has been granted to the co-accused, Arpita Das only on humanitarian ground since she had suckling baby of one year. Thus, this petitioner cannot claim any parity with the co-accused, Arpita Das. It is quite unbelievable and at the same time unacceptable that an offence has taken place in the flat of the petitioner without his knowledge and involvement in the alleged offence. The victim in her statement made during investigation as well as before the trial court has disclosed all the acts of involvement of this petitioner in the alleged offence. There has been continuous threat upon the victim and she was constrained to lodge a General Diary, which has been taken note of by the learned trial court and direction has been issued upon the investigating officer to take appropriate steps for protection of the victim and her family. She seeks for dismissal of the bail application.

4. Perused the case diary and materials on record.

5. It is found that the victim was taken to the flat of this petitioner and the co-accused Arpita Das, who happens to be his wife, where the victim was sexually exploited. The victim in her statement during investigation as well as before the court has stated of such fact of trafficking and sexual exploitation. The allegation appears to be grave one. Order has been passed by the learned trial court upon the investigating officer for giving

protection to the victim and her family members taking account of threat perception. Considering the above incriminating materials, the circumstances and bearing in mind nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner.

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

7. The application for bail being **CRM (M) 1434 of 2025** stands dismissed.

(Bivas Pattanayak, J.)