

21.04.2026

Item No.85

Ct.No.35

dc.

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (M) 2496 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Beniapukur Police Station Case No. 180 of 2024 dated 28.10.2024 under Sections 61/64/96/143/144 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012 and under Sections 3/4/5/6/7 of the Immoral Traffic (Prevention) Act.

And

In Re : **Shadab Ahmed**

... Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Debopratim Guha,
Mr. Soumya Basu Roy Chowdhuri

... For the Petitioner.

Mr. S. S. Imam,
Mr. Md. Yaser A. Ismail

... For the State.

Ms. Jhuma Sen,
Ms. Arpita De,
Ms. Swastika Chatterjee

... For the victim/*de facto* complainant.

Leave is granted to the learned advocate-on-record for the petitioner to amend the cause title.

At the last page of the supplementary charge-sheet, it reflects that – “Trafficker namely Sania and customer and owner of the guest house and other are yet to be traced out, attempts continued to trace out the accused persons. Attempts are on to collect more evidence”.

The Investigating Officer of the case did not pray for any process of harsher process of law to trace out the said persons and even did not incorporate the name of the owner

of the guest house as an accused. The person who was at the reception has been made an accused and is in custody for more than 1 year 6 months. Such supplementary charge-sheet was submitted on 05.03.2025. There are no materials to suggest thereafter any fruitful action has been taken to trace out the owner of the guest house. The conduct of the Investigating Officer itself reflects that the person at the reception who is suffering behind the custody has been sacrificed for giving an escape route to the owner. If the prosecution case is that the guest house/hotel as a whole was being used as a brothel, then the staff and the owner both were supposed to know regarding what is being done inside the hotel. The owner cannot be absolved of any liability by following a flee-bite passage of providing an escape route with the trappings of an accused, the owner cannot be exonerated in a fashion which has been adopted by the Investigating Officer in the present case.

Two of the victims in the case have been examined. The minor has stated regarding the presence of the present petitioner at the reception. The other victim is a major lady who has turned hostile. Out of 31 witnesses, till date evidence of three witnesses has been completed and evidence of PW-4 is in progress.

Having considered the manner in which the investigation has been conducted and the prosecution case is established to give a passage to the owner of the guest house for escaping from the clutches of law and the petitioner an employee being implicated in the present case

and also the time which will be required further to take the trial to its logical conclusion, I am of the opinion that further detention of the present petitioner in connection with the instant case is unwarranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Shadab Ahmed** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, 1st Court, Sealdah.

If on bail, the petitioner shall be physically present on each and every date so fixed by the learned Special Court and shall not leave the limits of Kolkata Municipal Corporation without prior permission of the learned Special Court.

Registrar General, High Court, Calcutta is directed to communicate this order to the Joint C.P. (Crime), Kolkata Police for perusing the case diary of the present case along with all the charge-sheets and submit a report before this Court whether a proper investigation has been carried out by the Investigating Officer of the case.

Let the matter be listed on 15th May, 2026 under the heading "To Be Mentioned" awaiting report from the Joint C.P. (Crime), Kolkata Police.

Case diary be retained along with the records.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)