

18.09.2020.
Item No. 38
(Rejected)

ab

(Via Video Conference)

C.R.M. 6361 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mothabhang P.S. Case No. 121 of 2020 dated 17.03.2020 under Section 8 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Rajib Barman and another.**

... petitioners.

Ms. Arpita Saha,
Mr. Hillol Saha Poddar.

...For the petitioners.

Mr. Aditi Sankar Chakrabortay, LD. APP,
Mr. Sagnik Sankar Sikdar,

...For the State.

The Advocate-on-Record of the petitioners undertake to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioners submits that the petitioners are innocent of charges leveled against them and the nature of allegations do not warrant their custodial interrogation. He further submits that the principal accused has been released on bail and, as such, there is no reason to detain the petitioners.

The learned advocate for the State opposes the prayer for anticipatory bail of the petitioners and submits that three persons committed offences at the same time and, as such, nobody can be designated as a principal accused in the case. Each of the accused contributed similarly to the commission of offence.

We have taken into account the nature of the allegations as also the fact that another accused person has been granted bail by the learned Special Court, as submitted by the learned Advocate for the petitioners and conceded by the State.

Having taken into account the background of the case and nature of offence, we are of the opinion that the custodial detention of the petitioners is warranted for further progress of the case.

Accordingly, the prayer for anticipatory bail of the petitioners is **rejected**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)