

22.02.2021
Court No.28
Item No. 39
Krishnendu
Bail Rejected

CRM 482 of 2021
(Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Sangita Shaw @ Sahu

Petitioner

Mr. Ayan Bhattacharya

Mr. Anand Keshari

Mr. Sekhar Mukherjee

For the Petitioner

Mr. Rudradipta Nandy

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Bishnupur Police Station Case No. 868 of 2017 dated 22.09.2017 under sections 363/ 366A/ 370/ 372/ 373/ 120B/ 34 of the Indian Penal Code, Sections 3/4 /5/6/7/9 of the Immoral Traffic (Prevention) Act, 1956 and Sections 4/6/17 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner is in custody for two years five months and without any remedy before the Court. The learned advocate further submits that the sections under which the petitioner has been implicated in the case are not applicable and although her name was not appearing in the First Information Report, suddenly her name has been incorporated in the charge-sheet and subsequently she is in custody for such period without the case progressing.

Mr. Nandy, learned advocate appearing for the State draws the attention of this Court to the relevant statements of the

witnesses and also emphasises on the previous orders of this Court passed in CRM 3697 of 2018, CRM 8962 of 2018, CRM 3863 of 2019 and CRM 3415 of 2020.

We have perused the materials on record and the statements of the witnesses and the observations of the co-ordinate Bench which were made against the present petitioner in the order dated 5th July, 2018 in CRM 3697 of 2018. On perusal of the same, we are of the opinion that except for the purpose of detention, the other circumstances remain unchanged. Since it has been pointed out that the next date is fixed for framing of charge on 8th March, 2021, we are not inclined to release the petitioner on bail at this stage. Accordingly, the prayer for bail is rejected.

With the aforesaid observation, the application for bail, being CRM No. 482 of 2021, is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)