

24.02.2021
Court No.28
rpan /34

**CRM 588 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Maipith Coastal Police Station Case No. 95 of 2020 dated 13.10.2020 under sections 363/365/376(3) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012 [S.P.L. No.124/20];

And

In Re: **Muslima Laskar & Another**

...Petitioners

Mr. Ayan Bhattacharya,

Mr. Abdur Rakib

...For the Petitioners

Mr. Binay Panda,

Ms. Pushpita Saha

...For the State

Learned advocate for the petitioners submits that the petitioner no.1 is a lady and the petitioner no.2 is her son. Both of them are in custody from 14th October, 2020. Learned advocate further submits that the documents relied upon by the prosecution *prima facie* do not implicate the present petitioners so far as the provisions of POCSO is concerned. Additionally, the learned advocate submits that on any condition the petitioners may be released on bail.

Mr. Panda, learned advocate appearing for the State opposes the prayer for bail and submits that the medical documents, the age proof certificate and the other statements of the witnesses, including the statement of the victim, clearly

indicate the complicity of the present petitioners in the alleged offence and as such, they may not be released on bail.

We have considered the materials in the case diary. We find that the victim is aged about 13 years and the statement of the victim implicates the present petitioners to some extent for creating a chain for ravishing the victim. Having regard to the stage of the case, we are not inclined to release the petitioners on bail. As such, their prayer for bail is rejected at this stage.

However, the petitioners will be at liberty to renew their prayer for bail after the evidence of the victim is over before the learned trial court.

With the aforesaid observations, the application for bail, being CRM No. 588 of 2021, is disposed of.

(Tirthankar Ghosh, J.) (Tapabrata Chakraborty, J.)