

01.03.2021
Item no.35
Court No.28
Avijit Mitra

C.R.M. 635 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with English Bazar Women Police Station Case No.113 of 2020 dated 30.10.2020 under Section 6 the POCSO Act and Added Sections 313/34 of the Indian Penal Code;

And

In Re : Bishu Harijan

.... petitioner

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Tanmoy Kumar Ghosh,

Mr. Arindam Sen

..... for the State

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he is in custody since 31st October, 2020. Learned Advocate further submits that although the chargesheet has been submitted after completion of investigation and there has been no progress in the investigation and the documents under Section 207 of the Code of Criminal Procedure do not establish any evidence under Section 313 of the Indian Penal Code.

Mr. Ghosh, learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement under Section 164 of the Code of Criminal Procedure of the victim.

We have perused the materials on record and as the trial is yet to commence, we are of the opinion that it is not a fit case for releasing the petitioner at this stage. However, the petitioner would be at liberty to approach this Court after the evidence of

the victim is complete. Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being C.R.M. No.635 of 2021 is, accordingly, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)