

18.06.2021.
Item No.15
(Rejected)

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C.R.M. 2244 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.02.2021 in connection with Mothabari P.S. Case No. 219 of 2019 dated 21.06.2019 (G.R. Case No. 2511 of 2019) under Sections 363/365/376/370(A)(2) of the Indian Penal Code;

And

In the matter of : **Urmila Mondal and another.**

... petitioners.

Mr. Musharraf Alam Sk.

...For the petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. A. K. Datta.

...For the State.

This is an application for bail in connection with Mothabari Police Station Case No. 219 of 2019 under Sections 363/365/376/370(A)(2) of the Indian Penal Code at the behest of the petitioners.

Learned Advocate for the petitioners submits that the petitioners are in custody for about 478 days in connection with the aforesaid case. It is further submitted that there is no allegation against the petitioners and have been wrongly implicated in the instant case. The petitioners voluntarily surrendered before the court below and since thereafter are languishing in jail. It is also submitted that though the charge-sheet has been submitted but the documents, which are statutorily required to be supplied to the petitioners have not been done as yet.

Learned Advocate for the State opposes the prayer for bail and submits that there is a sex racket, which was operating and was busted on this occasion and, therefore, the petitioners' complicity to the offence cannot be ruled out.

After hearing the respective submissions and on perusal of the statement of the victim lady recorded under

Section 164 of the Code of Criminal Procedure, we do not find that it is a fit case where the petitioners should be released on bail.

However, we appreciate the agony shown by the petitioners that despite the charge-sheet having been submitted, the documents have not been supplied.

We, thus, direct the State to ensure that relevant documents are supplied to the petitioner at an earliest.

Accordingly, the application for bail being CRM 2244 of 2021 is **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)