

29.01.2021
Court No.28
rpan / 22

C.R.M. 11052 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.620 of 2020 dated 29.06.2020 under Sections 376/370/372/373/120B of the Indian Penal Code read with Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Sections 4/8/12/17 of the Protection of Children from Sexual Offences Act, 2012 [Charge-sheeted under Sections 376/370/372/373/34 of the Indian Penal Code read with Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act and Sections 4/8/12/17 of the Protection of Children from Sexual Offences Act, 2012 with Section 75 of the Juvenile Justice Act].

And

In Re : **Rita Das**

...Petitioner.

Mr. Mritunjoy Chatterjee,

Md. G. N. Imrohi

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Ms. Baisali Basu

... for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for 260 days and there is no iota of materials so far as the present petitioner is concerned, although the investigation of the case was earlier concluded. Additionally the learned advocate submits that as the petitioner is innocent of charges, she may be released on bail on any stringent condition.

The learned Public Prosecutor appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the victim girl under Section 164 of the Code of Criminal Procedure and that of the other witnesses. It has also been pointed out on behalf of the State that further

investigation into the case is still in progress and materials are gradually surfacing so far as the present petitioner is concerned. Having regard to the fact that investigation (further) of the case is proceeding after the initial submission of charge-sheet and considering the stage of further investigation, we are of the opinion that the petitioner is not entitled to be released on bail at this stage. As such, the prayer for bail of the petitioner is rejected.

The application for bail, being CRM No. 11052 of 2020, thus, is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)