

20.10.2022.
06
NB/AGM

CRM (DB) 3775 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

In the matter of : Jhuma Biswas @ Bwauty & Anr. ... petitioners.

Mr. Pritam Roy,
Mr. Abhijit Singh,
Mr. Soewel Bhattacharjee.

...for the petitioners.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.

.....for the State.

Having heard the learned counsel for the petitioners and the learned Public Prosecutor in-charge, and on careful perusal of the case diary, it is ascertained that prayer for bail by the petitioner no.1 was rejected in CRM (DB) 1364 of 2022 on 6th June, 2022 by the Division Bench.

The learned advocate for the petitioner no.1 has failed to show any changed circumstance in favour of the petitioner where this Court met a different view from which was taken by the Division Bench on 6th June, 2022.

However, in respect of the petitioner no.2, it is submitted by the learned advocate for the petitioners that he is the son of the petitioner no.1. At the material point of time when the incident was

allegedly stated to occur, he was minor. Therefore, he should be released on bail.

On the other hand, the learned Public Prosecutor in-charge has led us to certain statements recorded under Section 164 of the Code of Criminal Procedure where complicity of the petitioner no.2 in respect of the commission of the offence is apparent. Even, the wife of the petitioner no.2 stated that he compelled her in prostitution.

Considering such aspects of the matter, we are not inclined to release the petitioners on bail.

However, the petitioner no.2 is at liberty to take appropriate step claiming his minority at the time of commission of offence before the Trial Court. If such application is filed, the learned Trial Court shall dispose of the same in accordance with law.

The application for bail being CRM (DB) 3775 of 2022, is thus rejected.

(Bibek Chaudhuri, J.)

(Biswaroop Chowdhury, J.)