

29.11.22
Sl.68
Ct. No.1
(SD/ss)

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

CRM (DB) 406 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Cooch Behar** Women Police Station Case No.67 of 2022 dated 23.5.2022 under Sections 376D/506/34 of the Indian Penal Code;

And

In re: Mithu Barman & Ors.

... petitioners.

Ms. Suman Sehanabis

... for the petitioners.

Mr. Aditi Shankar Chakraborty

Mr. Sourav Ganguly

...for the State.

Heard the learned counsel for the petitioners as well as the learned Public Prosecutor.

Perused the case diary.

Learned counsel appearing on behalf of the petitioner submitted that incriminating elements are contradictory in nature which makes the prosecution case doubtful, benefit of which should go to the present petitioners. According to the learned counsel for the petitioners, the present petitioners should be enlarged on bail since investigation is complete in filing the charge sheet.

Per contra, learned Public Prosecutor strongly opposed the prayer for bail. There are strong incriminating materials and involvement of the present petitioners in the offence.

We have heard the rival submissions.

Even though investigation is complete, we cannot rule out the possibility of influencing the witnesses in particular the victim girl.

Since the offence is serious and the trial is yet to begin, we are not inclined to allow the application for bail.

Accordingly, CRM (DB) 406 of 2022 is dismissed.

However, the Trial Court is directed to consider the charge within a period of two months from date. In case the charge is considered and framed, trial shall be expedited as soon as possible.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)