

Party Name : SHYAMAL DEB Vs THE STATE OF TRIPURA

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This is an application for grant of anticipatory bail in connection with Kamalpur P.S. case No.20 of 2015 registered against the petitioner under Section 354 (B) of the Indian Penal Code (IPC) read with section 8 of the Protection of Children from Sexual Offences Act, 2012.

Briefly stated, the facts of the case are that on 21-03-2015 at about 09-25 p.m. the complainant Pallab Das, father of the victim, along with the victim went to the police station to lodge a complaint against the petitioner-accused and the gist of the complaint against the petitioner-accused was that the accused had outraged the modesty of the 11 year old child. Immediately the FIR was lodged on the basis of the statement of the father and the child was sent for medical examination. The medical examination does not reveal any injuries. Thereafter, the statement of the child under section 161 Cr.P.C. was recorded the next day, i.e. on 22-03-2015 and her statement was also recorded by the Magistrate under section 164 of the Cr.P.C. on 24-03-2015 in which she has given the details as to how her modesty was outraged.

A sexual offence against a child is of serious nature. At this stage, I am not commenting on the merits of the case because whether the allegations made are true or not is not to be decided at the stage of grant of bail application.

However, in view of the statement of the victim recorded by the Magistrate, I feel that this is not a case where anticipatory bail can be granted. Custodial interrogation is necessary.

Therefore, the petition is dismissed.