

15.12.2020

tkm

sl no. 139

**C.R.M. 10353 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chetla PS case no. 158 of 2020 dated 2.9.2020 under section 417 of the IPC and 4 of the POCSO Act
And

In Re : Arka Dutta petitioner

Mr. A Chakraborti
..... for the petitioner

Mr. R Imam
Mr. Sandip Chakraborty
..... for the State

It is submitted on behalf of the petitioner that the victim was a major girl at the time of cohabitation.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim was a minor and the petitioner had falsely represented his marital status to cohabit with the victim.

We have examined the birth certificate of the victim which shows that she was a minor at the time of cohabitation.

Statement of the victim also shows that petitioner had falsely represented as he was a bachelor although he had spouse living at the material point of time.

In view of the aforesaid facts and the gravity of the offence, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail is rejected.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)