

12.04.2021

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Rejected

C.R.M. 791 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Panchasayar Police Station Case No. 52 of 2020 dated 21.04.2020 under Sections 376/420/506 of the Indian Penal Code read with Sections 4/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Swagata Malakar**

...Petitioner

Mr. Apalak Basu

Mr. Nazir Ahmed

Ms. Snehal Seth ... For the Petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta ... For the State

Learned advocate for the petitioner submits that the petitioner has been falsely implicated in this case relating to financial transaction. The present case, according to him, is afterthought and the provisions of the POCSO Act has been invoked in an arbitrary manner in assessing the alleged minor.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statements of the two witnesses under Section 164 of the Code of Criminal Procedure as also the seizure list and the medical report.

We have perused the case diary along with the statement of the witnesses made before the Judicial Magistrate as also the investigation made by the Investigating Officer of the case.

Having regard to the nature of allegations available in the case diary, we find complicity of the petitioner in the

alleged offence and as such the custodial interrogation of the petitioner is warranted.

In the facts and circumstances of the case, the prayer for anticipatory bail is rejected.

CRM 791 of 2021 is thus dismissed.

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

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)