

CRM No.2202 of 2021

Via video conference

14.06.21

(S.R.)

Sl.22

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bishnupur** Police Station Case **No.234 of 2016** dated **30/12/2016** under Sections **376D/366A** of the Indian Penal Code and Sections **4/6** of the POCSO Act;

And

In re: Tarapada Bauri

... petitioner.

Mr. Sandip Chakraborty

Mr. Soumik Ganguli

... for the petitioner.

Ms. Faria Hossain

Ms. Sonali Das

...for the State.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an alleged incident, which occurred on 28th December, 2016. There was a split trial and the principal accused, namely, Prakash Sarkar, was convicted by a judgment delivered on 30th October, 2019. The allegations levelled against the petitioner herein are absolutely unfounded, as would be explicit from the statement of the witnesses as recorded in course of trial. In support of such contention, he has drawn our attention to the contents of the judgment delivered on 30th October, 2019.

He further submits that the petitioner had yet not been declared a proclaimed offender and as such, there is no bar to consider the present application for anticipatory bail. In support of such contention, he has placed reliance upon a judgment delivered in the case of *Sambhu Halder v. State of West Bengal*, reported in (2014) 2 C.Cr.LR (Cal) 583.

Ms. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary. She further submits that the petitioner had been

absconding since the date of the alleged incident on 28th December, 2016. Warrant of arrest and proclamation of arrest had already been issued against the petitioner.

We have heard the learned advocates and considered the materials in the case diary. It appears that the petitioner had been absconding for a substantial period of time and in view thereof, the split trial was conducted. Considering the gravity of the offence, the nature of allegations and the conduct of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail being CRM No.2202 of 2021 is dismissed.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)