

23.09.2021

CRM 2659 of 2021

Court No.28
Item No.170
(Rejected)

As
&
Akd

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Gazole Police Station Case No. 49 of 2021 dated 24.02.2021 under Section 4 of the POCSO Act;

And

In the matter of : **Nepal Mandal.**

...Petitioner

Mr. Kazi M. Rahman.

...For the Petitioner.

Mr. Palash Ch. Majhi.

...For the State.

Apprehending arrest in connection with Gazole Police Station Case No. 49 of 2021 dated 24.02.2021 under Section 4 of the POCSO Act, the petitioner has filed the instant application for anticipatory bail.

This application has been taken out by the petitioner apprehending arrest in connection with the aforementioned case. It is submitted that the case has been falsely implicated against the petitioner and there is no element of offence in the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that the minor victim girl has vividly narrated the incident in her statement recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the materials available from the record including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, there is a prima facie ingredients required under the aforesaid provision and the role of the petitioner attributable thereto

cannot be ruled out at this stage.

Accordingly, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 2659 of 2021 is thus **dismissed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)