

CRM No.4371 of 2021

Via video conference

02.12.21

(S.R.)

Sl.126

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Rejinagar** Police Station Case No.60 dated 17/03/2021 under Sections 376(2)(f) of the Indian Penal Code read with Section 6 of the POCSO Act;

And

In re: Sakil Sk. @ Babu

... petitioner.

Mr. Navanil De

Mr. R. Chakraborty

Mr. S. Dey

... for the petitioner.

Mr. S.G. Mukherjee, PP

Ms. F. Hossain

Mr. Aniket Mitra

...for the State.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner was a minor on the date of the alleged incident. In support of such contention, he has placed reliance upon a certificate of birth annexed to the present application. According to Mr. De, the petitioner has been falsely implicated and the allegations are in the abstract. In the said conspectus, custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code as well as the medical reports.

Having heard the learned advocates and considered the materials in the case diary. It appears from the complaint and other documents that the petitioner has been stated to be 18 years on the date of the alleged incident.

Prima facie, there are strong incriminating materials against the petitioner. Considering the gravity of the offence and the extent of his complicity in the alleged offence, we are not inclined to exercise any

discretion in his favour.

The application for anticipatory bail being CRM No.4371 of 2021 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)