

09.12.2021
Item no.498
Court No.32
Avijit Mitra

C.R.M. 4649 of 2021 (through video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal;

And

In Re : Sabir Ali @ Saberul Islam

.... petitioner

Mr. Koustav Bagchi,
Mr. Arup Sarkar

....for the petitioner

Ms. Sujata Das

..... for the State

Apprehending arrest in connection with Chanchal Police Station Case No. 333 of 2021 dated 14.05.2021 under Sections 363/365/34 of the Indian Penal Code read with Sections 4/8/18 of the Protection of Children from Sexual Offences Act, the present application has been preferred.

Mr. Bagchi, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner, who is presently 23 years of age and the victim girl, who was about 17 years on the date of the alleged incident. Such relationship was consensual in nature and the petitioner has been falsely implicated. In view thereof, custodial interrogation is not warranted.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the medical report

and the statement of the victim as recorded under Section 164 of the Code.

We have heard learned advocates appearing for the respective parties and assessed the role of the present petitioner in respect of his complicity. Upon cumulative assessment and considering the seriousness of the offences, we are not inclined to exercise any discretion in favour of the petitioner, more so when, the investigation is still continuing.

Accordingly, the application for anticipatory bail being C.R.M. No.4649 of 2021 is 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.)