

CRM 5339 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Najrul Haque**

..... petitioner

Ms. Sujata Das

.....For the petitioner

Mr. P. K. Datta, Ld. APP

Mr. Santanu Deb Roy

.....For the State

Apprehending arrest in connection with Pukhuria Police Station Case No. 251 of 2021 dated 07.07.2021 under Sections 6/18 of the Protection of Children from Sexual Offences Act, 2021, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations are absolutely unfounded. The present complaint has been lodged as a counter-blast to a complaint lodged by the petitioner's wife. Both the complaints are pertaining to incidents which allegedly occurred on the same date. In the said conspectus, custodial interrogation is not necessary.

Mr. Datta, learned Additional Public Prosecutor representing the State opposes the petitioner's prayer and draws our attention to statement of the minor girl, aged about 9 years, as recorded under Section 164 of the Code of Criminal Procedure and the medical report.

Heard the learned advocates appearing for the respective parties and perused the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence and the extent of the petitioner's complicity in the alleged offence, we are not inclined to exercise discretion in his favour. As such, his prayer for anticipatory bail, is refused.

The application CRM 5339 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.)