

CRM No.5483 of 2021

Via video conference

07.12.21

(S.R.)

Sl.209

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Mandarmani Costal** Police Station Case No.47 of 2019 dated 02/11/2019 under Sections 366A/368/370/370A/372/373/120B/34 of the Indian Penal Code and Sections 3/4/5/6/7/9 of the I.T. (P) Act and Sections 4/17/21 of the POCSO Act;

And

In re: Rajendra Jana

... petitioner.

Mr. Somik Ganguli

... for the petitioner.

Mr. Ranabir Ray Chowdhury

Mr. Mainak Gupta

...for the State.

Mr. Ganguli, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and there is no material to clearly indicate the direct nexus of the petitioner in the alleged offence. Upon completion of investigation charge sheet has also been submitted. In the said conspectus, custodial interrogation is not warranted.

Mr. Ray Chowdhury, 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. He further submits that the petitioner had all along been absconding since 2019 and upon completion of investigation charge sheet has been submitted showing him as an absconder.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail being CRM

No.5483 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.)