

11.11.2021

CRM 6962 of 2021

**Court No.28
Item No.38
(REJECTED)**

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Kandi Police Station case No. 541 dated 11.10.2021 under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Saharul Sekh @ Niyadul.**

...Petitioner.

Mr. Navanil De.

...For the Petitioner.

**Ms. Sukanya Bhattacharya,
Mr. Pratick Bose.**

... For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Kandi Police Station case No. 541 dated 11.10.2021 under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that the petitioner is suffering from locomotors disability and is a juvenile under the Juvenile Justice Act.

Learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the girl of 13 years of age has been subjected to such offence having committed on her and she has vividly narrated the incident in her statement recorded under Section

164 of the Code of Criminal Procedure.

After hearing the respective Counsels and on perusal of materials on record including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we do not find that it is a fit case for anticipatory bail.

The application for anticipatory bail being CRM 6962 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)