

22.12.21
(S.R.)
Sl.232
Ct.32

CRM No.7590 of 2021

Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Dadpur** Police Station Case No.96 of 2021 dated 21/06/2021 under Sections 448/376 of the Indian Penal Code and Section 4 of the POCSO Act;

And

In re: Mosa Molla

... petitioner.

Mr. Mohammad Mahmud
Mr. Mahfuzus Salam Mollah

... for the petitioner.

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

...for the State.

The instant application is filed by the petitioner praying for anticipatory bail.

Mr. Mahmud, learned lawyer appearing for the petitioner submits that there is no overt act attributable to the present petitioner. The present petitioner is falsely implicated in connection with family dispute. There is no justification in custodial detention of the present petitioner. Accordingly, anticipatory bail is prayed for on any stringent condition.

Per contra, the learned lawyer representing the State submitted that the victim girl is a minor and was sexually assaulted which the available materials amply demonstrate. Inviting our attention to the statement of the victim girl recorded under Section 164 of the Code and another medical document, it is submitted that allegation is very grave and serious and demands custodial detention. Accordingly, application for bail is strongly opposed.

We have heard rival submissions and perused the case diary. Charge sheet is filed but strong incriminating materials are there against the present petitioner. Allegation made in the written

complaint is corroborated by medical document and statement of the victim girl along with others. Although, charge sheet is filed, the petitioner is shown absconding. Considering the nature of allegations and the extent of incriminating materials, we are not inclined to allow anticipatory bail and the same stands rejected.

The application for anticipatory bail being CRM No.7590 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.)