

11.02.2021

Item No.7

Ct.No.28

dc.

Rejected

C.R.M. 10645 of 2020

(Via Video Conference)

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

And

In Re : **Subhendu Roy**

... Petitioner.

Mr. Avik Ghatak,
Mr. Neil Basu

... For the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

... For the State.

Apprehending arrest in connection with Garfa P.S. Case No. 279 of 2020 dated 19.08.2020 (Spl. No. 147 of 2020) under Sections 427/448 of the Indian Penal Code, 1860 and under Section 10 of POCSO Act, 2012, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There was an existing dispute between the petitioner and the *de facto* complainant pertaining to occupation of a room in the property of the petitioner herein. The alleged incident occurred on 25th August, 2019, however, the complaint was lodged about a year thereafter on 9th August, 2020. No overt act has been attributed to the petitioner and in such

circumstances, custodial detention of the petitioner is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the statement of the victim girl recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail, being CRM 10645 of 2020 is, thus, dismissed.

The case diary is returned to the learned advocate appearing for the State.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)