

25.02.2021
Court No.28
Item No. 46
Krishnendu
Rejected

CRM 10713 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Chandan Paswan**

Petitioner

Mr. Manas Kumar Das

Mr. Asraf Mandal

For the Petitioner

Mr. Iqbal Kabir

For the State

Apprehending arrest in connection with Asansol North P.S. Case No. 290 of 2019 dated 09.10.2019 under section 376D of the Indian Penal Code and sections 4/6/14/15 of POCSO Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused, namely, Jitendra Das and Atal Behari Ram, have already been enlarged on bail. No overt act has been attributed to the petitioner and as such there is no necessity towards custodial interrogation of the petitioner in this case.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to the statement of the victim girl, who is a minor, as recorded under section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary. It appears that the specific allegation against the petitioner is that he had videographed the incident and uploaded the same. Such complicity of the petitioner stands disclosed from the documents

in the case diary. In view thereof and considering the gravity of the offence and the nature of allegations, we are not inclined to grant anticipatory bail to the petitioner. As such, the prayer for anticipatory bail is rejected.

The application for anticipatory bail, being CRM 10713 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)