

28.05.2021
Court No.28
rpan /42

C.R.M. 10967 of 2020
(Via Video Conference)

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

And

In Re : **Md. Aktar Ali Sk @ Md. Aktar Ali**

- Petitioner.

Mr. Rajdeep Mazumder,
Mr. Mayukh Mukherjee,
Mr. Anisur Rahaman

... for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Aniket Mitra

... for the State.

Apprehending arrest in connection with Nabadwip P.S. Case
No.463 of 2020 dated 21.11.2020 under Section 354 of the Indian
Penal Code and Section 12 of the POCSO Act, the petitioner has
filed the present application.

Mr. Mazumder, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. The
complaint had been lodged two days after the alleged incident with
a sole allegation that there was an attempt to commit the alleged
offence. In the said conspectus, custodial interrogation/detention
of the petitioner is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes
the petitioner's prayer and draws our attention to the statement of
the victim minor girl, aged about 13 years, as recorded under
Section 164 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials in the case diary, the gravity of the offence, the statement of the victim girl, as recorded under Section 164 of the Code and the extent of complicity, we are not inclined to exercise any discretion in favour of the petitioner. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 10967 of 2020, is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)