

03.02.2021

Item No.319

Ct.No.28

dc.

Rejected

C.R.M. 11090 of 2020

(Via Video Conference)

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

And

In Re : **Tarun Natta**

... Petitioner.

Mr. Kaushik Choudhury,
Ms. Busra Khatoon

... For the Petitioner.

Ms. Z. Khan,
Ms. Sreeparna Das

... For the State.

Apprehending arrest in connection with Balurghat P.S. Case No. 370 of 2020 dated 24.09.2020 (Special Case No. 51 of 2020) under Sections 363/365/34 of the Indian Penal Code added Section 6 of the Protection of Children from Sexual Offences Act, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the principal accused has been granted bail and the parents of the said accused have also been granted anticipatory bail. The learned advocate further submits that the present petitioner has been falsely implicated in the instant case and he will be seriously prejudiced, if he is taken into custody.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials on record and we have found that the principal accused was granted bail, if at all, because of the fact that he was a juvenile at the time of committing offence. So far as the complicity of the parents of the said accused is concerned, the same does not attribute to any overt act as per the statement of the victim. However, a specific role has been attributed against the present petitioner by the victim in her statement under Section 164 of the Code of Criminal Procedure. That being the scenario, the petitioner is not entitled to be granted the privilege of anticipatory bail. As such, prayer for anticipatory bail of the petitioner is **rejected**.

CRM 11090 of 2020 is, thus, dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)