

23.03.2021.
01.
as
(Rejected)

C.R.M. 11106 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Englishbazar Woman Police Station Case No.87 of 2020 dated 08.09.2020 under Section 4 of the POCSO Act.

In the matter of : Sk. Nabiul.

.... Petitioner.

Ms. Sujata Das.

...for the Petitioner.

Ms. Faria Hossain,
Ms. Sonali Das.

...for the State.

Apprehending arrest in connection with Englishbazar Woman Police Station Case No.87 of 2020 dated 08.09.2020 under Section 4 of the POCSO Act, the petitioner has filed the instant application for anticipatory bail.

The victim minor girl has been sexually assaulted which would be evident from her statement recorded under Section 164 of the Code of Criminal Procedure.

According to the petitioner that they had a love affairs and she was already married to another person.

We do not want to deal into such disputed arena. The fact remains that admittedly the victim girl is a minor and according to her, statement recorded under Section 164 of the Code of Criminal Procedure, the element of sexual assault is eminently present.

In view of the above, we do not feel that it is a fit case where the petitioner should be enlarged on bail.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)