

25.02.2021
Court No.1
SL No. 18
s.biswas

**THE CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.M. 86 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pradhan Nagar** P.S. Case No. **132 of 2019** dated 10.03.2019 under Sections **6/8** of the POCSO Act.

And

In the matter of: **Gourab Barui & Anr.**

....Petitioners

Mr. Sabir Ahmed
Mr. Debasish Mukhopadhyay
Ms. Madhushri Dutta

...for the Petitioners

Mr. Aditi Shankar Chakraborty
Mr. Tapan Bhattacharjee

...for the State

This is an application under Section 438 of the Code of Criminal Procedure filed on behalf of the petitioners who are apprehending arrest in connection with Pradhan Nagar Police Station Case No. 132 of 2019 dated 10.03.2019 for the alleged offence punishable under Section 6/8 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Additional Chief Judicial Magistrate, Siliguri.

It is submitted on behalf of the petitioners that the victim girl happened to be the girlfriend of the principal accused and these two petitioners in the present case had simply accompanied his friend.

We have heard the learned advocates for the petitioners and the State.

Learned advocate appearing for the State has placed the Case Diary in Court and raised objection to grant of anticipatory bail to the petitioners by adverting our attention to the statement of the victim girl recorded under Section 164 of the Cr.P.C. placed at page nos.64 and 65 of the Case Diary. We have also taken into consideration the statement so made by the victim girl before the Investigating Officer under Section 161 of the Cr.P.C.

Having considered material in the Case Diary and nature of offence, the prayer for anticipatory bail is rejected.

Thus, CRM 86 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)