

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**CRM 307 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar Police Station Case No.973 of 2020 dated 04.11.2020 under Section 6 of POCSO Act.

And

In the matter of: Debasish Roy

.... Petitioner

Mr. Hillol Saha Podder

... For the Petitioner

Mr. Aditi Shankar Chakraborty,
Ms. Namrata Das.

... For the State

Learned counsel for the petitioner submits that there is insufficient corroborative medical evidence to substantiate the allegations made against the petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail.

A bare perusal of the medical report shows that the hymen of the six-years old minor victim was ruptured. The statement given by the victim under Section 164 of the Code of Criminal Procedure also corroborates such allegations. That apart, keeping in view the tender age of the child, we do not deem it prudent to grant anticipatory bail to the petitioner.

Accordingly, CRM 307 of 2021 is dismissed, thereby refusing anticipatory bail to the petitioner.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)