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

**CRM 309 of 2021
(Via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.03.2021 in connection with Sessions Case No. 89 of 2020 arising out of Dhupguri Police Station Case No. 313 of 2020 dated 02.09.2020 under Sections 363/376DA of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Rahimul Alam @ Dulu Alam
... Petitioner.

Mr. Shibaji Kumar Basu,
Mr. Makalachar Rahaman
...for the Petitioner.

Ms. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar
.....for the State.

Heard learned counsel appearing for the parties.

It is submitted by learned counsel for the petitioner that the petitioner was not named in the First Information Report and not named by the victim girl in her statement recorded under Section 164 of the Code of Criminal Procedure.

However, it appears from the statement of the victim girl that two persons were involved in the offence. Moreover, at least one of the statements, recorded under Section 161 of

the Code of Criminal Procedure, mentions the petitioner as well as one of the offenders.

There is no bar in the police arresting people who are not named in the First Information Report, in the event subsequent investigation reveals a prima facie case against them. As such, we do not feel it appropriate to grant bail to the petitioner at this stage.

Accordingly, CRM 309 of 2021 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)