

24.08.2021

court no. : 28
Item no. : JCB - 14
matter : 438
status : REJECTED
transcriber : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 534 of 2021

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 22.04.2021 in connection with Mekliganj Police Station Case No. 01 of 2021 dated 05.01.2021 under Sections 363/366(A) of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act. (POCSO Case No. 03 of 2021)

and

In the matter of: **Raju Barman @ Babai Barman**

.....Petitioner

Mr. Subhasish Misra, Advocate

.....for the Petitioner

Mr. Kallol Acharjee, Advocate

Ms. Namrata Das, Advocate

.....for the State

The petitioner has filed the instant application for anticipatory bail in connection with Mekliganj Police Station Case No. 01 of 2021 dated 05.01.2021 under Sections 363/366(A) of the Indian Penal Code read with Section 6/17 of the Protection of Children from Sexual Offences Act.

Taking advantage of the delayed registration of the FIR, an application for anticipatory bail is taken out by the petitioner in connection with the afore-mentioned case. A story is sought to be made out that there was a love affair between the petitioner and the minor girl and in fact, the petitioner was abducted by the family members of the minor victim girl for which FIR was lodged by the father of the petitioner in the month of May 2021.

According to the learned Advocate for the petitioner the

present case has been launched as a counter-blast to the said case initiated by the father of the petitioner when there is no semblance of truth in it.

The State opposes the prayer for bail and relied upon the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure vividly narrated the incident, we do not think it is a fit case where the petitioner should get the benefit of pre-arrest.

As such, the prayer for anticipatory bail is **rejected**.

The application being **CRM 534 of 2021** is accordingly **dismissed**.

(Harish Tandon, J.)

(Md. Nizamuddin, J.)