

23.06.2021

Court No.28
Item No.06
(REJECTED)

akd
&
ab

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

(Via Video Conference)

CRM 662 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mal Police Station Case No. 242 of 2021, dated 13.05.2021 under Sections 376/511 of the Indian Penal Code read with Sections 8/18 of the Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : **Dipak Roy.**

...Petitioner

Ms. Madhushri Dutta.

...For the Petitioner

**Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee.**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Mal Police Station Case No. 242 of 2021 under Sections 376/511 of the Indian Penal Code read with Sections 8/18 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the present case has been launched against him as a counter-blast to the demand of wages. It is submitted that the petitioner being the carpenter rendered his service to the de facto complainant and when he demanded the wages, he was threatened with the allegation that there will be a case initiated against him, which appears to have been proved in reality.

On the other hand, the learned Advocate for the State opposes

the prayer for anticipatory bail. It is submitted that the victim minor girl has categorically narrated the incident in her statements recorded under Section 161 and 164 of the Code of Criminal Procedure which corroborate the commission of the alleged offence under the aforesaid charging Sections.

After hearing the respective Counsels and on perusal of the materials produced before us including the statement of the minor girl, who is 15 years of age, recorded under Section 164 of the Code of Criminal Procedure, we do not think that it is a fit case where the petitioner should be granted anticipatory bail.

The application for anticipatory bail being CRM 662 of 2021 is thus **rejected**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)