

05.08.2021

Court No.28
Item No.30
(Rejected)

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT

AT
JALPAIGURI

CRM 747 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No. 173 of 2021 dated April 5, 2021 under Sections 363/365/109 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Case No. 12 of 2021);

And

In the matter of : **Jahangir Mia @ Jahangir Hossain**
...Petitioner

Ms. Suman Sehanabis (Mandal).

...For the Petitioner

Mr. Arun Sarkar,
Ms. Namrata Das.

...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 Mathabhanga Police Station Case No. 173 of 2021 under Sections 363/365/109 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the instant application for anticipatory bail.

A minor girl of 15 years of age was allegedly kidnapped and subjected to sexual assault by the petitioner. She has narrated the incident before the Magistrate at the time of recording her statement under Section 164 of the Code of Criminal Procedure.

After perusing the statement so made by the minor victim girl, who is admittedly 15 years of age, we do not feel that it is a fit case where the petitioner should get immunity from being arrested.

The prayer for anticipatory bail of the petitioner is thus rejected.

The application for anticipatory bail being CRM 747 of 2021 is dismissed.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)