

24.12.2021
SL No.6
Court No.1
(PJ/SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1235 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 Dinhata Police Station Case No. 380 of 2019 dated 30.08.2019 under Sections 363/365 of the Indian Penal Code, 1860 and Section 6 of the POCSO Act (POCSO Case No. 34 (D) of 2019).

And

In the matter of : **Manirujamal @ Manirujamal @ Maniruljaman
@ Manirul Rahaman @ Haque @ Mani**

- Petitioner.

Mr. Surajit Basu,
Mr. Ratan Chandra Roy,
Mr. Ranu Mondal

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Biswarup Roy

... For the State.

In spite of our repeated directions, the Medical Examination Report of the victim was not produced.

The Investigating Officer of the case is also not present before us.

The learned Additional Public Prosecutor appearing on behalf of the prosecution has submitted that in spite of communication being made from his office, the Investigating Officer has not turned down with the required document.

We direct, the Superintendent of Police, Cooch Behar to look into the matter and take appropriate steps against the Investigating Officer for non-compliance of our directions.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Considering the materials available in the Case Diary and more particularly, the statement recorded under Section 164 CrPC and the statement of the independent witnesses recorded under Section 161 CrPC directly implicating the present petitioner, we are not inclined to allow the application for anticipatory bail.

Accordingly, the application for anticipatory bail stands dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)