

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

11.01.2022
Sl. No. 3
k.b. /b.r.
Crt.11
rejected

CRM (A) 65 of 2022
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nakashipara P.S. Case No. 673/2020 dated 26.12.2020 under Sections 376(3)/363/34 of the Indian Penal Code and 4 POCSO Act, in POCSO Case No. 3 of 2021.

And

In the matter of: **Bapi Mallick**

....Petitioner.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Mr. Sourav Mukherjee
Mr. Amanul Islam

...for the Petitioner.

Mr. Iqbal Kabir

.....for the State.

This is an application under Section 438 of the Code of Criminal Procedure.

The charges arise out of Nakashipara, District-Nadia, P.S. Case No. 673 of 2020 dated 26th December, 2020 under Sections 376(3)/363/34 of the Indian Penal Code and read with Section 4 of the POCSO Act.

The petitioner was the private tutor of the victim girl (VG).

We have perused the materials on record and particularly the 164 CrPC statement of the VG.

Although Learned Counsel for the petitioner submits that there was a love affair between the petitioner and the VG and for such reason the complaint was filed after a considerable length of

time of occurrence of the incident, this Court is not satisfied that such grounds are adequate at this stage for granting the privilege of pre-arrest bail to the petitioner.

Accordingly, **CRM (A) 65 of 2022** stands **rejected**.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)