

15.02.2022  
Item no. 22  
Court No.32  
Avijit Mitra

**C.R.M.(A) 236 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

**In Re : Saheb Kalsar & anr.**

.... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. S.S. Imam,

Mr. R. Jana

..... for the State

Apprehending arrest in connection with Ghatal Police Station Case No.315 of 2020 dated 16.10.2020 under Sections 448/447/354A/354/323/325/307/506/34 of the Indian Penal Code and Section 8 of the Protection of children from Sexual Offences Act, the present application has been preferred.

Ms. Gomes, the learned advocate appearing for the petitioners submits that there was a dispute between the brothers pertaining to an ancestral property and the petitioners have been falsely implicated. The complaint was lodged belatedly on the basis of an application under Section 156(3) of the Code. The statements of the minor girls were recorded about three months after the alleged incident. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Imam, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the minor girls as recorded under Section 164 of the Code. He further submits that the petitioners had been

absconding and there are strong incriminating materials against them.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

*Prima facie*, the statements of the minor girls are consistent and specific overt act has been attributed to the petitioners. Considering the gravity of the offence, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour and the prayer for anticipatory bail is refused.

The application for anticipatory bail being C.R.M.(A) 236 of 2022 is dismissed.

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

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**