

Sl. 30
15.03.2022
Court No.32
SD

CRM(A) 708 of 2022

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

And

In the matter of: Pacha Gazi & Ors.

... Petitioners.

Md. Sabir Ahmed
Mr. Gouranga Das
Mr. Mujib Ali Naskar
Mr. Hillol Saha Poddar
Ms. Tasnim Ahamed

...for the Petitioners.

Mr. Anwar Hossain
Ms. Ratna Ghosh

...for the State.

Apprehending arrest in connection with Harwood Point Coastal Police Station Case No.205 of 2021 dated 01.7.2021 under Sections 323/325/354B/308/506/34 of the Indian Penal Code, 1860 read with Section 12 of POCSO Act, the petitioners have filed the present application, praying for anticipatory bail.

Mr. Ahmed, learned advocate appearing for the petitioners submits that co-accused persons similarly situated with the petitioners have already been granted anticipatory bail by a co-ordinate Bench of this Court. Upon completion of investigation, charge sheet has also been submitted and as such, custodial detention may not be necessary.

Mr. Hossain, learned advocate for the State, opposes the petitioners' prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code and also the statement of the victim girl, as recorded under Section 164 of the Code, as well as the injury report. The name of Alauddin Gazi who was granted anticipatory bail does not

featured in the statement of the victim girl, as recorded under Section 164 of the Code, however, the names of the petitioners are there in the said statement. It appears that the other co-accused granted anticipatory bail, is a female family member.

Considering the nature of accusations, the nature of injury and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in favour of the petitioners and their prayer for anticipatory bail is, thus, refused.

The application for anticipatory bail, being CRM(A) 708 of 2022 is, thus, 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.)