

23.03.2022
Serial no. 54
[Dd]
(Anticipatory bail
Rejected)

CRM (A) 897 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ghola** Police Station Case No. **787** of **2021** dated **09.12.2021** under Sections **354/406** of the Indian Penal Code and 8/12 of POCSO Act, now numbered as POCSO **140/2021**.

-And-

In the matter of : **Hemen Kumar Ghosh**
... ..**Petitioner**

Mr. Debasis Kar, Advocate
... .. *For the Petitioner*

Mr. Navanil De, Advocate
... ..*For the State*

Mr. Subhajit Chowdhury, Advocate
.. ..*For the de facto complainant*

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. There is a previous police complaint by the petitioner against the de facto complainant of the present police case. The de facto complainant is the daughter of the petitioner. The daughter of the petitioner threatened the petitioner that she will involve the petitioner in a false police case. Pursuant thereto, the daughter of the petitioner as the de facto complainant lodged the present police case.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that there is now a compromise between the de facto complainant and the petitioner.

The allegations in the police case is serious. The victim is 11 years old. In a statement recorded under Section 164 of the Criminal Procedure Code the victim squarely implicates the petitioner.

The gravity of the offence is such that the same cannot be compromised.

In such circumstances, we are not inclined to grant anticipatory bail to the petitioner.

However, since we cannot be unmindful of the claim of the petitioner that the de facto complainant try to implicate the petitioner falsely, the de facto complainant now claims that there is a statement. In such circumstances in the event the prosecution fails to establish his case against the petitioner, it would be appropriate that the police immediately proceed against the de facto complainant.

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 897 of 2022 is **dismissed**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)