

05.05.2022
Sl. 6
Court No.29
sourav
(Rejected)

C.R.M. (A) 1972 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Chandannagore** Police Station Case No. **245** of **2021** dated **18.10.2021** under Sections **420/406/506** of the Indian Penal Code and Sections **12/17** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Soumabrata Pal @ Soumyabrata Pal**

....petitioner.

Mr. Ayan Bhattacharjee
Mr. Sayak Chakraborti
Mr. Shantanu Talukder
Mr. Animesh Bhattacharyya
Ms. Shreya Mukhopadhyay

...for the petitioner.

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

...for the State.

Mr. Atis Kumar Biswas
Mr. Suman chakrabarty

...for the defacto complainant.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the defacto complainant is guilty of suppressing material facts in the complaint made. He refers to the First Information Report and submits that the contents of the First Information Report are absurd. A company was incorporated where, the defacto complainant and the petitioner were and still are directors.

Learned advocate appearing for the State submits that a sum in excess of a crore went from the personal account of the defacto complainant to the petitioner. The defacto complainant alleges of wrong doings to her while she was a minor. There is a statement of the victim recorded under Section 164 of the Criminal Procedure Code to such effect. He draws the attention

of the Court to the conduct of the petitioner. He submits that the petitioner was issued a notice under Section 41A of the Criminal Procedure Code in response to which, the petitioner appeared before the Investigating Officer where he disclosed his permanent residence to be at Cooch Behar. He submits that thereafter, four raids were conducted and the petitioner could not be found at such address. He draws the attention to the Court to the address disclosed by the petitioner in the affidavit verifying the petition. He submits that the petitioner disclosed an address at Chandannagore.

Learned advocate appearing for the defacto complainant submits that the petitioner was into a relationship with the victim while the victim was a minor. Offensive photographs and videography of the minor were taken by the petitioner.

Learned advocate appearing for the petitioner in response denies the allegations of the defacto complainant. He submits that the petitioner is also a resident of Chandannagore. In response to a query of the Court, he submits that the petitioner disclosed his permanent residence to be at Cooch Behar in the data uploaded with the Registrar of Companies in relation to the incorporation of the company.

There are materials in the case diary implicating the petitioner in the allegations which the police are investigating. There is a statement of the victim recorded under Section 164 of the Criminal Procedure code. There are money transactions between the victim, the defacto complainant on one part and the petitioner.

Considering the entirety of the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 1972 of 2022 is, dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

