

17.03.2022

Court No.32
rpan / 115

CRM 6289 of 2021

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

And

In Re.: **Abdus Chalam Peyada**

- Petitioner

Mr. Md. Zuhanuddin,

Mr. Suman Karmakar

... for the Petitioner.

Mr. Prasun Kumar Datta,

Mr. Subrata Roy

... for the State.

Apprehending arrest in connection with Matia Police Station Case No.302 dated 30.08.2019 under Section 376AB of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the present application.

Mr. Zuhanuddin, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to previous enmity. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the medical examination report of the victim girl, who was only about three years old on the date of the alleged incident. He submits that upon completion of investigation chargesheet no.440/2019 dated 21st December, 2019 was submitted showing the petitioner as absconding.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, his conduct and the extent of his complicity in the alleged offence, we are not inclined to exercise any discretion in his favour. As such, his prayer for anticipatory bail is refused.

The application for anticipatory bail, being CRM 6289 of 2021 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.)