

18.07.2022

29

Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3401 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat** Police Station Case No. **358** of **2022** dated **24.05.2022** under Sections 354B/506 of the Indian Penal Code, 1860 and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Manoj Biswas

..... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and the 161 Cr.P.C. statement of the independent witnesses.

The victim of nine years of age speaks of sexual assault on her. She is, however, unable to identify the assailant in her 164 Cr.P.C. statement.

The materials in the case diary including the 161 Cr.P.C. statement implicates the petitioner. The petitioner was seen to leave the house of the victim at the material point of time.

In view of such materials in the case diary and in view of the gravity of the offence and the involvement of the petitioner therein as transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 3401 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)