

CRM 6613 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Golam Rasul Gaji @ Tuntuni**
..... petitioner

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdous
Ms. Tithi Majumdar

.....For the petitioner

Mr. Abhra Mukherjee
Ms. Manisha Sharma

.....For the State

Apprehending arrest in connection with Hasnabad Police Station Case No. 204/2021 dated 01.04.2021 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the POCSO Act, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl was more than 17 years of age on the date of the alleged incident. The victim voluntarily entered into the relationship with the petitioner and in the said conspectus, custodial interrogation may not be necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Sections 161 and 164 of the Code as well as the medical report. Answering our query,

he submits that investigation is still continuing and the victim was a minor on the date of the alleged incident.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the seriousness of the offence, the nature of accusations and the possible extent of complicity of the petitioner in the alleged incident, we are not inclined to exercise any discretion in his favour and as such, his prayer for anticipatory bail is refused.

The application being CRM 6613 of 2021 is, accordingly, 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.)