

04.01.2022

Court No.32
rpan / **262**

CRM 7785 of 2021

[through Video Conferencing]

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

And

In Re.: **Shantanu Pandit**

- Petitioner

Mr. Amitabha Karmakar,

Mr. Santimay Bhattacharya

... for the Petitioner.

Mr. Narayan Prasad Agarwala,

Mr. Pratick Bose

... for the State.

Apprehending arrest in connection with Chandrakona Police Station Case No.211 of 2021 dated 01.06.2021 under Section 506 of the Indian Penal Code, 1860 and Section 8 of the POCSO Act, the principal accused files this application praying for anticipatory bail.

The learned lawyer for the petitioner submitted that the sister of the present petitioner lodged a complaint under Section 498A of the Indian Penal Code, 1860 against the family members of the victim girl. The instant complaint is a counter-blast of such allegation. The learned lawyer for the petitioner submitted that the allegations are false and fabricated. There is no justification of custodial detention of the present petitioner. He further submitted that the FIR was lodged after a delay of 29 days creating doubts on the allegations. In nutshell, the learned lawyer for the petitioner prayed for anticipatory bail in the conspectus of facts.

Per contra, the learned lawyer for the State submitted that the allegations are grave and serious. Inviting our attention to the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C. as well as the medical report, it is submitted that strong incriminating elements are there against the present petitioner demanding custodial detention for interrogation.

We have heard rival submissions and perused the C.D. It appears that the allegation is grave and serious; investigation is still going on and the statements of the victim girl sufficiently explain the delay in lodging the FIR *prima facie* and are strongly incriminating. Therefore, in such circumstances, we are not inclined to allow the anticipatory bail to the present petitioner and the same stands rejected.

The application for anticipatory bail, being CRM 7785 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.)