

04.01.2022

Court No.32
rpan / **264**

CRM 7793 of 2021

[Through Video Conferencing]

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

And

In Re.: **Riton Sk. & Another**

- Petitioners.

Mr. Manas Kumar Das

... for the Petitioners.

Mr. I. Ali,

Mr. M.F.A. Begg

... for the State.

Apprehending arrest in connection with Khargram Police Station Case No.368 of 2021 dated 13.11.2021 under Sections 448/323/307/354B/34 of the Indian Penal Code, 1860 and Sections 8/12 of POCSO Act, the petitioners have filed the present application.

Mr. Das, learned advocate appearing for the petitioners submits that they have been falsely implicated in view of previous enmity. There is an existing civil suit between the husband of the *de facto* complainant and the petitioners herein. No overt act has been attributed to the petitioners and they have been roped in merely on the basis of suspicion. Mr. Das further submits that the complaint has been lodged 17 days after the alleged incident and as such, possibility of exaggerated account of the alleged incident cannot be ruled out. The petitioner no.1 is an unskilled labourer working at Paradeep. In the said conspectus, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim girl, the injury report and other materials in the case diary. Answering a query of this Court, he submits that investigation is still in progress.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, there are incriminating materials on record against the petitioners. Considering the seriousness of the offence and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion, more so when, investigation is still in progress.

The application for anticipatory bail, being CRM No. 7793 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.)