

11.01.2022

Court No.32

rpan/ **38**

C.R.M. 8149 of 2021

[Via video Conferencing]

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

And

In re: **Rajendra Sarkar**

- Petitioner.

Ms. Jonaki Saha

... for the Petitioner.

Mr. Saibal Bapuli,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Berhampore Police Station Case No.63 of 2021 dated 18.01.2021 under Sections 363/365/34 of the Indian Penal Code [charge sheet submitted under Sections 363/365/376/34 of the Indian Penal Code, 1860 along with Sections 4/6 of the POCSO Act], the petitioner has filed the present application.

Ms. Saha, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl and there was a negotiation amongst the families that they would get married. However, as the victim was minor such marriage was deferred. In the midst thereof, the victim girl married one Sudip Sarkar. Subsequent thereto, in view of the earlier love relationship, the victim girl willingly left her house without any inducement and accompanied the petitioner. In the said conspectus of facts, custodial interrogation is not necessary, more so when, upon completion of investigation charge sheet has also been submitted.

Mr. Bhattacharya, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code and the medical report. He submits that the victim is a minor girl and there are strong incriminating materials against the petitioner.

Heard the learned advocates and considered the materials in the case diary. *Prima facie*, there are strong incriminating materials against the petitioner. Considering the severity of offence, the nature of accusations and the extent of complicity of the petitioner 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 8149 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.)