

CRM 8336 of 2021
(via video conference)

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

In the matter of : **Ikbal Khan alias Ekbal Khan & Anr.**

..... petitioners

Mr. Angshuman Chakraborty

.....For the petitioners

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Abhra Mukherjee

Ms. Manisha Sharma

.....For the State

Apprehending arrest in connection with Baruipur Women Police Station Case No. 23 of 2019 dated 14/07/2019 under Section 376D of the Indian Penal Code and Sections 04/06/10 of the Protection of Children from Sexual Offences Act, the present application has been preferred.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that there are inconsistencies in the statements of the victim girl, as recorded under Sections 161 and 164 of the Code. The petitioners have been roped in on the basis of mere suspicion. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation may not be necessary.

The learned advocate appearing for the State has drawn our attention to the statements of the victim girl, as recorded under Sections 161 and 164 of the Code together with the

statements of other witnesses, as recorded under Section 161 as well as the injury report.

Prima facie, upon a composite reading of the contents of the complaint, the statements of the witnesses, the possibility of direct involvement of the petitioners cannot be ruled out. The other co-accused persons were arrested and were thereafter enlarged on bail. Considering the materials in the case diary, the seriousness of the offence and the nature of accusations, we are not inclined to exercise any discretion in favour of the petitioners. As such, the prayer of the petitioners is refused.

The application being CRM 8336 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.)