

CRM 8598 of 2021
(via video conference)

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

In the matter of : **Azizur Rahaman**

..... petitioner

Ms. Sujata Das

.....For the petitioner

Mr. Arup Kumar Mondal

.....For the State

Apprehending arrest in connection with Pakhuria Police Station Case No. 169 of 2021 dated 09.05.2021 under Sections 341/323/324/325/307/34 of the Indian Penal Code read with Section 18 of the Protection of Children from Sexual Offences (POCSO) Act, the present application has been preferred.

Ms. Das, learned advocate appearing for the petitioner submits that the petitioner is the step maternal uncle of the victim girl and he has been falsely implicated in the alleged offence. Other co-accused persons have already been granted anticipatory bail by the learned Sessions Court. Upon completion of investigation, charge sheet has also been submitted and as such, custodial interrogation is not 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 Section 164 of the Code. Answering our query, he submits that the victim is a minor

girl of 12 years whereas the petitioner herein is about 42 years old.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the statement of the victim girl as recorded under Section 164 of the Code.

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence 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 being CRM 8598 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.

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)