

28.11.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 5500 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1413** of **2021** dated **18.10.2021** under Sections 363/365/109 of the Indian Penal Code, 1860 and Section 6/17 of the POCSO Act.

And

In Re : Gaju Mandal @ Goju & Anr.

..... petitioners

Mr. Amitava Karmakar

Mr. Arup Kumar Bhowmick

....for the petitioner

Mr. Joydip Roy

Mr. Amanul Islam

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the principal accused is still in custody. The police filed charge-sheet and, therefore, need for custodial interrogation is not there.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The victim is a minor. In her 164 Cr.P.C. statement, she claims that she was sexually assaulted and that she required hospitalization. She was put up at a place where the petitioners were present.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein as

transpiring from the materials in the case diary, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 5500 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)