

12.12.2022

Sl.28

Court No.29

(AD)

(Rejected)

C.R.M. (A) 5746 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Swarupnagar** Police Station Case No.**825 of 2022** dated **23/08/2022** under Sections **376/511/326/307/34** of the Indian Penal Code and Section **8** of POCSO Act.

And

In the matter of: **Raju Molla**

....petitioner.

Mr. Kallol Kumar Basu

Mr. Md. Jannat Ul Firdous

... for the petitioner.

Mr. Prasun Kumar Datta, Ld. APP

Mr. Nirupam Dhali

... for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the alleged incident is claimed to occur at 10 in the morning.

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 as also to the other materials in the case diary.

The minor in her statement recorded under Section 164 of the Code of Criminal Procedure states that the petitioner used to tease her. On the fateful day, the petitioner tried to embrace her from behind and tried to take her towards a bush. Her brother arrived at the spot when the petitioner took out a sharp cutting weapon and assaulted her brother.

There is an injury report of the brother of the minor in the case diary.

The injury report and the photograph of the injuries suffered

suggest that her brother was assaulted with a sharp cutting weapon with a portion of the ear of her brother being chopped off.

The materials in the case diary suggest a requirement of immediate custodial interrogation of the petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 5746 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)