

12.12.2022

Sl.35

Court No.29

(AD)

(Rejected)

C.R.M. (A) 5753 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with POCSO Case No.89 of 2022 arising out of **Mohanpur** Police Station Case No.**220 of 2022** dated **14/08/2022** under Sections **341/354/354B/34** of the Indian Penal Code read with Section **12** of the Protection of Child from Sexual Offences Act, 2012.

And

In the matter of: **Raju Raj @ Sabyasachi Raj**

....petitioner.

Mr. Amit Ranjan Pati

Mr. Ashok Halder

Ms. Reshmi Mukherjee

Mr. Sunayan Ghosh

... for the petitioner.

Mr. Narayan Prasad Agarwal

Mr. Mirza Firoj Ahmed Begg

... for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that all other co-accuseds were enlarged on anticipatory bail.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the minor recorded under Section 164 of the Code of Criminal Procedure.

The petitioner is the person identified by the minor who indulged in the incident.

There are materials in the case diary which are incriminating as against the petitioner. Moreover, given the nature of the incident narrated by the minor in her statement recorded under Section 164 of the Code of Criminal Procedure, enlarging the petitioner on anticipatory bail will send a wrong signal to the society.

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) 5753 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)