

14.12.2022
Sl.9
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5756 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No.**841 of 2022** dated **29.10.2022** under Section **323** of the Indian Penal Code read with Section **8** of the Protection of Children from Sexual Offences Act.

And

In the matter of: **Masud Sk @ Masud Karim Sk.**

....petitioner.

Mr. Krishnendu Bhattacharyya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi

...for the petitioner.

Mr. Bidyut Kumar roy
Ms. Sima Biswas

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police complaint was lodged four days after the alleged incident.

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 and to the materials in the case diary.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure claims that the petitioner approached her and attempted to rape her. This was seen by other children.

There is a birth certificate in the case diary suggesting that the victim was minor on the date of the incident. There are statements by a child and an adult claiming that there was an incident between the petitioner and the victim on that particular date.

In view of the gravity of the offence and the involvement of the petitioner therein, 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) 5756 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)