

14.12.2022
Serial no.22
Aloke

CRM (A) 5814 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 728 of 2022 dated 08.07.2022 under Sections 448/323/325/354 of the Indian Penal Code and Section 12 of the POCSO Act.

-And-

In the matter of : **Debasish Mandal**

... .. Petitioner

Ms. Oindrila Ghosh, Advocate

... .. For the Petitioner

Mr. Narayan Prasad Agarwala, Advocate

Mr. Mirza Firoj Ahmed Begg, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner is 25 years of age. He was falsely implicated.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

The victim who is 16 years of age, implicates the petitioner in the incident.

The requirement of custodial interrogation of the petitioner cannot be overlooked in the facts and circumstances of the present case.

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

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 5814 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)