

20.
07-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 16 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No.389 of 2021 dated 22-09-2021 under Sections 448/363/365/34 of the Indian Penal Code and adding Section 8 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Jiyarul Karim @ Jiyarul Mia

.... Petitioner.

Mr. Hillol Saha Podder

... For the Petitioner.

Mr. Aditi Sankar Chakraborty, learned A.P.P.,
Mr. Sagnik Sankar Sikdar

... For the State.

The petitioner, 22 years of age, says that there was a love affair between him and the survivor girl, about 15 years of age at the time of the incident. The allegation is of kidnapping and sexual assault. Section 8 of the Protection of Children from Sexual Offences Act has been invoked.

The petitioner says that the girl went with him out of her own volition. Her father saw them escaping on a motorcycle and subsequently, lodged a complaint.

We have seen the material in the Case Diary including the statement of the survivor girl recorded under Section 164 of the Code of Criminal Procedure. The medical report *prima facie* corroborates the statement of the survivor girl.

Investigation is in progress. Charge Sheet is yet to be filed.

On an overall assessment of the facts and circumstances of the case and the material on record and also the nature and gravity of the alleged offence, we are not inclined to allow the prayer of the petitioner for anticipatory bail, as we also think that custodial interrogation of the petitioner may be necessary.

The application for anticipatory bail being CRM(A) 16 of 2022 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)