

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

04.05.2022
Court No.01
rpan/ 33

CRM (A) 221 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Purna Chandra Barman

- Petitioner

Mr. Hillol Saha Podder
...for the Petitioner

Mr. Abhijit Sarkar
Mr. Saikat Chatterje
...for the State

Apprehending arrest in connection with Women Sadar Cooch Behar Police Station Case No.110 of 2021 dated 26.08.2021 under Section 8 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The F.I.R. was lodged about 19 days after the alleged incident and in view thereof, incorporation of exaggerated account of the alleged incident cannot be ruled out. As such, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses as recorded under Section 161 of the Code as well as the statement of the victim recorded under Section 164 of the Code, the medical examination report and other documents.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, there are incriminating materials on record against the petitioner. The investigation is not yet complete. Considering the gravity of the offence and the possible extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour.

Accordingly, the application for anticipatory bail, being CRM (A) 221 of 2022 is dismissed.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)