

03.01.2022
Item no.11.
Court No.1.
AB
(Rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1295 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.155 of 2017 Dated 23.3.2017 under Sections 363/376D of the Indian Penal Code read with Sections 4/8/10 of the POCSO Act

And

**In the matter of: Bikram Barman @ Ratan Barman @ Chhotu
.....Petitioner.**

Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikarifor the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Sagnik Sankar Sikdarfor the State.

The allegation against the petitioner is under the provisions of the Protection of Children from Sexual Offences Act and also under Section 376(D) of the Indian Penal Code i.e. gang rape.

The petitioner says that he is not named in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

However, we have seen the material in the case diary including medical report. In a case of gang rape, it may not be possible for the victim to name all the offending persons.

The petitioner says that all the other accused persons are on bail. However, we are considering a payer for anticipatory bail and the considerations may be different.

On an overall assessment of the facts and circumstances of the case, considering the nature and gravity of the alleged offence and also the fact that the victim girl was 14 years old when the alleged offence was committed, we are not inclined to grant anticipatory bail to the petitioner.

C.R.M. No. 1295 of 2021 is, accordingly, dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)