

30.01.2023

Sl.17

Court No.29

(AD)

(Rejected)

C.R.M. (A) 363 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with POCSO Case No.07 of 2022 arising out of **English Bazar** Police Station Case No.**04 of 2022** dated **02.01.2022** under Sections **341/323/506/34** of the Indian Penal Code, 1860 read with Sections **4/17** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Senaul Haque @ Menaul Haque**

....petitioner.

Mr. Arnab Saha

...for the petitioner.

Ms. Zareen N. Khan

Mr. Ashok Das

...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 nine months after the alleged incident that too through petition under Section 156(3) of the Code of Criminal Procedure and after a village mediation. He submits that there was a previous relationship between the petitioner and the de facto complainant.

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. She refers to the medical examination report of the victim.

Apparently, the incident occurred when the victim was fifteen years of age. Apparently, there were efforts to negotiate between the family of the de facto complainant and the petitioner.

The medical examination report finds the hymen of the victim to be ruptured although it is inconclusive as to whether she was raped or not.

In view of the age of the victim and in view of the materials in the case diary, 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) 363 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)