

13.02.2023
Serial no. 03
[Dd]
(Anticipatory bail)
(**Rejected**)

CRM (A) 529 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Special Case no. 145 of 2022** arising out of **Duttapukur** Police Station Case No. **1110** of **2022** dated **12.11.2022** under Sections **341/323/325/354/506/34** of the Indian Penal Code and Section **8** of the POCSO Act, 2012.

-And-

In the matter of : **Soumen Mitra @ Suman & Ors.**
... ..**Petitioners**

Mr. Souvik Mitter,
Ms. Rajnandini Das, Advocates
... .. For the Petitioners

Ms. Zareen N. Khan,
Mr. Arup Sarkar, Advocate
... ...For the State

Mr. Sobhendu Sekhar Roy,
Mr. Amarendra Chakraborty,
Mr. Argha Banerjee, Advocates
.. ...For the OP no. 2

Report submitted in Court be taken on record.

The application for anticipatory bail is taken up for consideration subsequent to the order dated February 7, 2023.

In paragraphs 3 and 13 of the application for anticipatory bail, there are claims that video footage demonstrates the innocence of the petitioners.

Faced with such contentions, the matter was adjourned on February 7, 2023 for the Investigation Officer to investigate on the lines disclosed by the petitioner.

Learned advocate appearing for the State submits that the Investigating Officer was able to collect video footage of approximately 2 and ½ minutes.

The incident spanned prior to the 2 and ½ minutes of the video footage and subsequent thereafter also.

The claim for alibi of the petitioner at this stage remains unsubstantiated.

Opposite party no. 2 is represented.

Consequently, we are unable to grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 529 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)