

16.02.2023

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Ct. No. 29

**KAUSHIK  
REJECTED**

**C.R.M.(A) 703 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women's** Police Station Case No. **258** of **2022** dated **19.12.2022** under Sections 323/506/34 of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In Re : Birendra Paswan

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Angshuman Chakraborty

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner was assaulted by sharp cutting weapon. In respect of this, the petitioner lodged the police complaint. The present police complaint is a counter-blast.

Learned advocate appearing for the State submits that, the police complaint that the petitioner speaks of was later in point of time.

Learned advocate appearing for the State draws the attention of the Court to three statements recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.), one of the victim, the other of the minor brother of the victim and one of the neighbour.

All the three 164 Cr.P.C. statements corroborate each other in implicating the petitioner.

Considering the gravity of the offence and the involvement of the petitioner therein, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 703 of 2023 is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**