

02.05.2023

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 1850 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **142** of **2023** dated **08.03.2023** under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Sk Ainul @ Ainul Sk @ Aliun Sk @ Ailun Sk

..... petitioner

Md. Wasim Akram

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner belongs to a particular political party and in view of the ensuing panchayet election, the police complaint was lodged against the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and the 161 Cr.P.C. statements of persons of the locality.

The victim is a minor.

In her 164 Cr.P.C. statement, the victim describes that table in her house caught fire from a candle light when persons of the locality came for the purpose of dousing such fire, the petitioner touched her inappropriately at her breast.

Her statement as to the contact of the petitioner stands corroborated by 161 Cr.P.C. statements of three persons, who claimed to be present at the place of occurrence when the fire took place and attempted to douse the fire.

In view of the materials in the case diary implicating the petitioner in the offence alleged in respect of a minor, 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) 1850 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)