

12.07.2023

ML. 2

Court No. 29

Suvayan

(Rejected)

C.R.M. (A) 2391 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case No. **258 of 2023** dated **15.04.2023** under Sections **363/365/376** of the IPC, 1860 and Section **4** of POCSO Act.

And

In the matter of: **Rakibul Sekh**

....petitioner.

Mr. Ashok Das

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioner.

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

...for the State.

1. Heard learned Counsel for both the parties.
2. Regard being had to the allegation in the statement of the victim under Section 164 Cr.P.C., we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C at this stage.
3. However, if the petitioner surrenders before the Special Court, Berhampore, Murshidabad in the Special Case arising out of aforesaid P.S. case and makes a prayer for bail, the same shall be disposed of in accordance with law on the same day. The petitioner is further directed to give advance notice to the Public Prosecutor attached to the said Court about the date of his surrender and motion for bail so that C.D. can be made available to the Court on the date of his surrender.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2391 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

