

29.08.2023

SL. 63
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3440 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nowda** Police Station Case No. **122 of 2023** dated **12.04.2023** under Sections **363/365/34** of the IPC adding Section **376(3)** of IPC and adding Section **6** of the POCSO Act.

And

In the matter of: **Sahangir Sk @ Sahangir Ali Sk.**

....petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Tapodip Gupta
Mr. Sourav Mondal

...for the petitioner.

Mr. Arijit Ganguly
Mr. Anik Ghatak

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner has been named by the victim, Fatma Khatun as the perpetrator of the crime in her statement recorded under Sections 161 and 164 Cr.P.C. Another victim has implicated the present petitioner and co-accused, Rahul Malitya who admittedly has been enlarged on regular bail.
3. Investigation is still in progress.
4. Regard being had to the seriousness of the allegation, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being CRM (A) 3440 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

