

03.10.2023
SL. 51
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 3982 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Beldanga** Police Station Case No. **292 of 2023** dated **21.04.2023** under Section **376** of the IPC and Section **4** of the POCSO Act.

And

In the matter of: **Haider Ali @ Haydar Sk**

....petitioner.

Mr. Anit Dey

...for the petitioner.

Mr. Binay Panda

Mr. Subham Kanti Bhakat

...for the State.

1. Heard learned Advocate for both the parties.
2. It is submitted on behalf of the petitioner that the present accused petitioner have been falsely implicated out of previous rivalry since the informant and the present petitioner resides in the same locality.
3. While opposing the prayer for anticipatory bail learned Advocate for the State took us to the statements of the victim as recorded under Section 164 Cr.P.C. From the statements of the victim (who is a girl of three years) stated before the Judicial Magistrate in her statement under Section 164 Cr.P.C. that the present petitioner has touched her vagina with his penis.
4. Considering the seriousness of the crime as reveals from such statements of the victim, 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) 3982 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

