

11.10.2023

ML. 12
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4101 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **New Barrackpore** Police Station Case No. **179 of 2022** dated **30.05.2022** under Sections **376/366** of the IPC read with Sections **4** of the POCSO Act.

And

In the matter of: **Sajal Roy**

....petitioner.

Mr. Sibaji Kumar Das
Mr. Kausik Biswas
Ms. Dona Sanyal

...for the petitioner.

Mr. Anowar Hossain
Ms. Ratna Ghosh

...for the State.

1. Heard learned Advocate for both the parties.
2. It is submitted on behalf of the petitioner that the allegation as leveled against the present petitioner is false and the present petitioner is innocent.
3. While opposing the prayer, learned Advocate for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C. From such statement, we find that it is the version of the victim girl that on the plea of training her driving a motor cycle the present petitioner took the victim girl to a flat and thereafter made her to consume alcohol and, thereafter, ravished her.
4. Though investigation has been completed in the meantime but considering the gravity of the offence as leveled against the petitioner, 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) 4101 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

