

14.12.2023
ML. 68
Court No. 29
Sourav
(Rejected)

C.R.M. (A) 4701 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shasan** Police Station Case No. **163** of **2023** dated **31.08.2023** under Section **376(DA)** IPC read with Section **6** of the POCSO Act.

And

In the matter of: **Md. Aftabuddin @ Md. Atabuddin Ali & Ors.**
....petitioners.

Mr. Niladri Sekhar Ghosh
Ms. Sampurna Chatterjee
Mr. Sourav Mondal

...for the petitioners.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

Mr. Mujibar Ali Naskar

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. On perusal of the entire materials as placed before us, we find that the present three petitioners are named in the FIR. It also reveals from the statements of the witnesses that the present three petitioners with a plea to take the two minor victims to board them on a train took them by the side of a rail line and thereafter, ravished them.
3. In considered view of this Court for effective investigation of the instant matter, custodial interrogation of the present three petitioners are very much necessary for ascertaining their identification by the victims.
4. Considering the entire circumstances and seriousness of the crime, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioners.

5. Accordingly, the prayer for anticipatory bail is rejected.
6. The application being **CRM (A) 4701 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

