

19.12.2023
ML. 82
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4750 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tamluk** Police Station Case No. **521 of 2018** dated **12.09.2018** under Section **363** IPC subsequently charge-sheet under Sections **363/376** of the IPC and Section **4** of the POCSO Act.

And

In the matter of: **Sk. Saddam @ Sk. Aual**

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kr. Mondal
Mr. Sumit Rauth

...for the petitioner.

Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

1. Heard learned Advocate for both the parties.
2. Two girls are alleged to have been ravished by the present petitioner in a hotel in Mandarmani. It is the case of the petitioner that the girls had acquaintance with the petitioner and on their own volition they had accompanied the petitioner to Mandarmani. Alternately it is submitted on behalf of the petitioner that the petitioner had not gone to the spot hotel and there is no seizure of any document from the hotel to that effect.
3. On perusal of the statement of the victims recorded under Sections 161 and 164 Cr.P.C. it is found that the incident in fact happened in a different place than Mandarmani and the petitioner forcibly ravished them separately without knowledge of each other at the instant time. Only because the victims had accompanied the petitioner cannot drive us to a conclusion that they accompanied because there was consensual relationship between them.
4. Regard being had to the gravity of the charge, 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) 4750 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

