

03.01.2023
Sl.16
Court No.29
(AD)
(Rejected)

C.R.M. (A) 6004 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No.**989 of 2016** dated **07.08.2016** under Sections **363/366A** of the Indian Penal Code, 1860 (corresponding to Charge Sheet No.505 of 2019 dated 05.08.2019).

And

In the matter of: **Md. Nejamuddin @ Moulavi Nijamuddin & Anr.**

....petitioners.

Mr. Shekhar Kumar Basu, Ld. Sr. Advocate
Mr. Antarikhya Basu
Mr. Sayon Mukherjee
Ms. Madhumita Basak

... for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Mr. Swapan Banerjee
Mr. Iqbal Kabir

...for the State.

The prayer for anticipatory bail is renewed by way of the present application.

It is contended on behalf of the petitioners that there is a change in circumstances subsequent to the earlier order of rejection.

Learned Senior Advocate appearing for the petitioners requests the Court to peruse the statement under Section 164 of the Code of Criminal Procedure. According to him, the petitioners are not implicated either under the provisions of the POCSO Act or kidnapping or abduction are concerned.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, proclamation and attachment were effected against the petitioners. He questions the maintainability of the application for anticipatory

bail. That apart, he submits that, there are sufficient materials in the case diary implicating the petitioners.

There is a statement recorded by the minor victim under Section 164 of the Code of Criminal Procedure, where she claims that she was forcibly taken to a place at Delhi, made to marry and enter into a physical relationship.

The complicity of the petitioners appears from the materials presently available in the case diary. There is hardly material change in circumstances subsequent to the earlier order of rejection.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 6004 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)