

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**29.08.2023
Court No.01
Item No.27
Avijit Mitra**

CRM (A) 668 of 2023

In Re:- An application under section 438 of the Code of Criminal Procedure;

And

In Re: Pratap Sarkar

...Petitioner

Ms. Esha Acharya,
Mr. Sampad Das

...for the Petitioner

Mr. Kallol Acharjee
Ms. Namrata Das,
Mr. Kallol Nag

...for the State

Mr. Kunaljit Bhattacharya,
Mr. Satyam Sarkar

...for the *de facto* complainant

Apprehending arrest in connection with Maynaguri Police Station Case No.166 of 2023 dated May 7th, 2023 under Section 376(1) of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Ms. Acharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. The allegations levelled against the petitioner are absolutely unfounded and in view thereof, the petitioner may be granted anticipatory bail on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of

the *de facto* complainant as recorded under Section 164 of the Code and the medical report.

Mr. Bhattacharya, learned advocate appearing for the *de facto* complainant being the mother of the victim submits that the petitioner is absconding and his family members are repeatedly threatening the victim girl. In view thereof, a complaint was lodged by the mother of the victim girl before the local police station and as no steps were taken, she was forced to file an application under Article 226 of the Constitution of India being WPA 1552 of 2023. The same was disposed of by an order dated 31st July, 2023. Let the order, as produced, be kept on record.

Having heard the learned advocates and considering the gravity of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour more so when, the investigation is still continuing. In view thereof, the petitioner's prayer for anticipatory bail is refused.

The application for anticipatory bail CRM (A) 668 of 2023 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)