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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 793 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Sahebganj Police Station Case No. 403 of 2022 dated 27.10.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Alamgir Miah @ Alomgir Hossain

... petitioner

Mr. Sudip Guha,

...for the petitioner

Mr. Ujjwal Luksom,
Ms. Namrata Das

.....for the State.

Learned counsel appearing for the petitioner contends that the petitioner had an admitted relationship with the victim at the relevant juncture. As such, it is contended, possibility of doubt regarding the alleged offence cannot be ruled out.

Learned counsel appearing for the State opposes the prayer for bail and contends that the victim never admitted that she went on her own to the place where the incident occurred. That apart, the relationship of about one or two months prior to the incident cannot mitigate the role of the petitioner in the offence.

Upon considering the submission of the parties, we are convinced that at the present juncture no anticipatory bail can be granted to the petitioner, particularly since the investigation is still on.

Accordingly, CRM (A) 793 of 2022 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)