

22.01.2024

Serial no. 06
Anticipatory bail
[Rejected]
Dd

CRM (A) 172 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar Women Police Station Case No. 55 of 2023** dated **25.03.2023** under Sections **376D/506** of the Indian Penal Code, 1860 subsequently Section **6** of POCSO. (POCSO Case No. 93 /2023)*

-And-

In the matter of : **Arman Hossain**
... ..**Petitioner**

Mr. Tapas Datta Gupta,
Mr. Parvej Anam, Advocates
... ... For the Petitioner

Ms. Anasuya Sinha,
Mr. Goutam Wilson, Advocates
... ...For the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner is not named in the police complaint. Police filed charge sheet. Therefore, custodial interrogation of the petitioner is not required.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code and the statement of the co-accused made while in custody.

Victim in her statement recorded under Section 164 of the Criminal Procedure Code stated that she was raped by four persons. She knew the name of one. She could not name the others.

The person who was named by the victim in her statement under Section 164 of the Criminal Procedure Code was

arrested and in turn divulged the name of the petitioner as being complicity in the gang rape.

Materials in the case diary suggest complicity of the petitioner.

Charges as against the petitioner are commission of heinous offences.

Victim involved is a minor.

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

Prayer for anticipatory bail of the petitioner is **rejected**.

CRM (A) 172 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)