

25.01.2024

22
Ct. No. 29
S.D.
REJECTED

C.R.M.(A) 229 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **852 of 2023** dated **29.06.2023** under Sections **363/365/376/34** of the Indian Penal Code and under Section 4 of the POCSO Act.

And

In Re : Selim Sk.

..... petitioner

Mr. Arnab Chatterjee

...for the petitioner

Mr. Rudradipta Nandy

Mr. R. Ghosh

...for the State

Mr. Sujoy Sarkar

...for the victim

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is 18 years of age. There is a love relationship between the victim and the petitioner. The petitioner ran away from her home and started staying with the family with the petitioner. The incident of the victim coming and staying with the petitioner recurred over a given period of time.

Learned advocate for the State draws the attention of the Court to the materials in the case diary including the statement under Section 164 of the Cr.P.C.

The victim is represented.

In her statement recorded under Section 164 of the Cr.P.C., the victim stated that there was a physical relationship between her and the petitioner.

Considering the fact that the victim is a minor and that there was a physical relationship between the petitioner and the victim, we are unable to grant anticipatory bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **CRM (A) 229 of 2024** is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)