

19.03.2024
DL-37
Court No.29
(AD)
(Rejected)

C.R.M. (A) 705 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **954 of 2022** dated **17.08.2022** under Sections **363/365/34** of the Indian Penal Code, 1860 and Section **6** of the Protection of Children from Sexual Offences Act, 2012. (Special Case No.15 of 2023).

And

In the matter of: **Saberul Islam & Ors.**

....petitioners.

Md. Wasim Akram

... for the petitioners.

Mr. Shekhar Barman

... for the State.

Petitioners pray for anticipatory bail on the ground of parity with the two co-accuseds who were granted anticipatory bail by the Coordinate Bench on August 7, 2023 passed in CRM (A) 2751 of 2023.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim named the three petitioners before us as involved in the incident along with 4/5 persons.

Co-accuseds who were enlarged on anticipatory bail by the Coordinate Bench on August 7, 2023 were not named by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure. So far as the present petitioners are concerned, the victim not only names the petitioners but ascribes specific role to them.

Considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case

diary, we are unable to hold that the petitioners stand on the same footing as that of the other co-accuseds who were enlarged on anticipatory bail by the Coordinate Bench on August 7, 2023.

Consequently, 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) 705 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)