

07.03.2024
DL-23
Court No.29
(AD)
(Rejected)

C.R.M. (A) 810 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. **1689 of 2023** dated **29.12.2023** under Sections **363/365/354C/406/506** of the Indian Penal Code, 1860 and Section **6** of POCSO Act. (Special Case No.8 of 2024) (G.R. Case No.4071 of 2023).

And

In the matter of: **Md. Alauddin @ Ala Munshi & Anr.**
....petitioners.

Mr. Pulkesh Bajpayee
Mr. Kunal Ganguly
Mr. Kaustav Banerjee

... for the petitioners.

Mr. Neguive Ahmed, Ld. APP
Ms. Baisali Basu

... for the State.

Mr. Aslam Parvez

... for the de facto complainant.

Petitioners, State and the de facto complainant are represented.

Victim is a minor.

She recorded her statement under Section 164 of the Code of Criminal Procedure implicating both the petitioners before us in sexual assault. She also complains of offensive pictures being uploaded.

Learned Advocate appearing for the de facto complainant prays for permitting the victim to record a further statement under Section 164 of the Code of Criminal Procedure.

In response to a query of the Court as to why the victim requires one more opportunity to record a further statement under Section 164 of the Code of Criminal Procedure, he is unable to answer it.

The materials in the case diary suggest requirement of custodial interrogation of both the petitioners.

In such circumstances, 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) 810 of 2024 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)