

02.09.2024

Court No.29

Item No. 17

Rejected

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CRM (A) 2812 of 2024

In Re:- An application for anticipatory bail under Section 482 of the BNNS Act, 2023 corresponding to 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 corresponding to POCSO Case No. 93 of 2023 under Sections 376D/506 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Sahid Sekh @ Sk & Anr.**

Petitioners

Mr. Wasim Akram

For the Petitioners

Ms. Faria Hossain

Ms. Shaila Afrin

For the State

Mr. Amit Ranjan Pati

For the State

1. Learned counsel for the petitioners submits that the petitioners are not named in the FIR. The police has filed a charge sheet. Therefore, custodial interrogation of the petitioners is not necessary.
2. Learned counsel for the State has opposed the prayer for anticipatory bail and submits that one of the co-accused whose prayer for anticipatory bail was rejected on 22.01.2024 in CRM (A) 172 of 2024 (Arman Hossain) by a coordinate bench under same P.S case. Learned counsel for the State has also referred to the statement of the victim recorded under Section 164 Cr.P.C, where she stated that she was gang raped and she knew the name of one but could not name the others. The persons who were named by the victim in her statement under Section 164 Cr.P.C were arrested and in turn divulged the name of the petitioners as being complicity in the gang rape. The FIR discloses gang rape. Materials in the case diary also suggests complicity of the petitioners.

3. In view of the heinous nature of the offence and the medical report supporting the statement of the victim recorded under Section 164 Cr.P.C, we are not inclined to grant anticipatory bail to the petitioners.
4. Accordingly, the prayer for anticipatory bail of the petitioners is rejected and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)