

03.09.2024
Court No.29
Item No. 32

sg

CRM (A) 2876 of 2024

In Re:- An application for anticipatory bail under 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, in connection with Bharatpur Police Station Case No. 117 of 2024 dated 08.05.2024 under Sections 448/376/511/506 of the Indian Penal Code.

And

In Re: **Md. Musaraf Hossain**

Petitioner

Mr. Pratip Kumar Chatterjee

For the Petitioner

Ms. Ranadeb Sengupta

Mr. Asif Dewan

For the State

Mr. Saibal Dasgupta

For the defacto complainant

1. The report with regard to proclamation and attachment is inconclusive.
2. The learned Counsel for the petitioner submits that due to prior enmity arisen out of business transactions, a false complaint has been lodged against the petitioner.
3. The learned Counsel for the defacto complainant and the State have opposed the prayer for anticipatory bail.
4. The learned Counsel for the State has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
5. Considering the materials available in the case diary and having regard to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in which victim directly implicates the petitioner for the

commission of alleged offence and the said statement prima facie discloses an offence under Section 7 of the POCSO Act, we are not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)