

02.01.2024

Serial no. 47

Anticipatory bail

[Rejected]

2d

CRM (A) 4264 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Baishnab nagar** Police Station Case No. **452** of **2023** dated **14.07.2023** under Sections **10/12** of the POCSO Act, 2012 (POCSO Case No. 50/2023)*

-And-

In the matter of : **Papan Mondal & Anr.**

... ..**Petitioners**

Mr. Rana Mukherjee, Advocate

... .. For the Petitioners

Md. Wasim Akram, Advocate

... ..For the de facto complainant

Md. Anwar Hossain, Advocate

.. ...For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

The victim is a minor and recorded a statement under Section 164 of the Criminal Procedure Code where, she claims that she was disrobed at the point of knife by both the petitioners and offensive pictures were taken which were made viral.

Materials in the case diary suggest that offensive photographs of the victim were taken and circulated.

Considering the gravity of the offence and the involvement of the petitioners in the incident as transpiring from the materials in the case diary, we are unable to confirm the interim anticipatory bail granted on October 16, 2023 or grant anticipatory bail to the petitioners.

Prayer for anticipatory bail of the petitioners is **rejected**.

CRM (A) 4264 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)