

22.01.2024

Serial no. 103

Anticipatory bail

[Rejected]

2d

CRM (A) 4482 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Khanakul** Police Station Vide First Information Report Case No. **440** of **2023** dated **01.07.2023** under Sections **341/448/427/354(b)/506/34** of the Indian Penal Code, 1860 read with Section **8** of POCSO Act.*

-And-

In the matter of : **Sk. Siraj alias Sk. Miraj Saheb**
... ..**Petitioner**

Mr. Devi Priya Mitra, Advocate
... .. For the Petitioner

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata, Advocates
... ..For the State

Affidavit-of-service filed in Court be taken on record.

Miraj was a petitioner in CRM(A) 3316 of 2023 which was disposed of by an order dated September 1, 2023. Miraj there did not press such application. Other co-accused was granted anticipatory bail by the co-ordinate Bench on finding that there was no allegation against the other co-accused with regard to POCSO Act.

Victim is a minor. Victim recorded a statement under Section 164 of the Criminal Procedure Code.

Victim implicates the petitioner in the incident of bad touch.

Petitioner does not stand on the same footing as that of other co-accused who was granted anticipatory bail by the order dated September 1, 2023.

Materials in the case diary suggest requirement of custodial interrogation of the petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

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

CRM (A) 4482 of 2023 is **dismissed**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)