

07.10.2024
Court No.29
Item No. 26

sg

CRM (A) 3576 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Charu Market Police Station Case No. 107 of 2024 dated 09.09.2024 under Section 354/354A/509 of Indian Penal Code and Sections 10/12 of the POCSO Act.

And

In Re: **Sanjay Chakraborty**

Petitioner

Mr. Milon Mukherjee, Sr. Adv.
Mr. Sagar Kr. Mishra
Mr. Rishav Kr. Singh
Ms. S. Upadhyay
Ms. J. Sonhar

For the Petitioner

Mr. Sujan Chatterjee

For the State

Mr. Debashis Banerjee
Mr. Rakesh Jana

For the defacto complainant

1. We have heard the learned Counsel for the parties.
2. Mr. Milon Mukherjee, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner was a teacher in Classical Music and as the petitioner was unable to provide fund for the treatment of the daughter of the defacto complainant, a false complaint has been lodged against the petitioner.
3. The learned Counsel for the defacto complainant has submitted that she reposed full faith and respect on her Guru but she was physically abused and she was in trauma and presently undergoing treatment in NIMHANS.

4. The learned Counsel for the State has opposed the prayer for anticipatory bail. The learned Counsel for the State has specifically 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, the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in which she has made specific allegation against the petitioner of sexual abuse, we are not inclined to grant anticipatory bail to the present petitioner.
6. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Soumen Sen, J.)

(Uday Kumar, J.)