

27.11.2024
12
Ct. No. 28
SG
[REJECTED]

C. R. M. (A) 4000 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranitala Police Station Case No. 40 of 2024 dated 01.02.2024 under Sections 363/365/376(D) of the Indian Penal Code read with Section 6 of POCSO (corresponding to POCSO case no. 18 of 2024).

In Re: **Mijan Sk.**

... ... Petitioner

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak.

..... for the petitioner

Mr. Avishek Sinha,
Ms. Purnima Ghosh.

..... for the State

1. Heard learned Advocates for the parties.
2. We have considered the materials on record. For reasons best known to the investigating agency charge-sheet has been filed under Section 376D of IPC and not under Section 376DA of IPC. Officer-in-Charge of the Ranitala Police Station shall take note of this fact and pray of addition of graver Section 376DA IPC in the charge-sheet. Victim is a 15-year old girl. In her statement before Magistrate she has implicated the petitioner in the offence of gang rape. It is contended the said allegation had not been levelled in her earlier statement. There may be myriad reasons including shame and fear which may have prevailed upon the minor from coming out with the graver accusation earlier. Her delay in coming out with the graver allegation of

gang rape cannot be thrown out on this score alone. That apart there is bar under Section 438(3) of Cr.P.C. from entertaining an application for anticipatory bail in a case of gang rape of a minor below 16 years.

3. Hence, we are not inclined to grant anticipatory bail to the petitioner.

4. Accordingly, the application for anticipatory bail is, thus, rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)