

19.02.2024
Item No.64
Ct. No. 29
CHC
Rejected

C.R.M.(A) 5286 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **474/2023** dated **20.08.2023** under Sections **448/341/354/326/307/379/427/34** of the Indian Penal Code, 1860 read with Section **8** of the POCSO Act, 2012.

And

In the matter of : Chhotu Mia @ Chhatu Mia & ors.
..... petitioners

Mr. Mrityunjoy Chatterjee,
Mr. Imdadul Hoque
....for the petitioners

Mrs. Rituparna De Ghose
....for the State

Affidavit-of-service filed in Court.

There is no material to establish that the victim was served. Initially when the matter was taken a closed envelope was made over to Court claiming that it contained the affidavit of service. On opening the envelope it was found that it contained an unaffirmed document. This sharp practice is not appreciated.

Materials in the Case Diary suggest requirement of custodial interrogation of the petitioners.

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 5286 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)