

01.02.2024  
653(ML)  
Ct. No. 29  
S.D.  
REJECTED

**C.R.M.(A) 5376 of 2023**

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1139 of 2023** dated **29.08.2023** under Section **6 of the POCSO Act, 2012.**

And

In Re : Dilwar Hossain

..... petitioner

Mr. Mazahar Hossain Chowdhury

...for the petitioner

Mr. Aniket Mitra

...for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The daughter of the petitioner was also present and her statement was not recorded.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Cr.P.C., her medical examination report as also the statements of persons who saw the petitioner and victim together.

Victim implicates the petitioner in sexual assault, in her statement recorded under Section 164 of the Cr.P.C.

Medical examination report of the victim does not rule out the possibility of sexual assault on her.

Eyewitnesses recorded a statement under Section 161 of the Cr.P.C. stating that they saw the victim and the petitioner together at the close proximity of the time of occurrence going to the place of occurrence.

Victim is a minor.

In view of such incriminating materials in the case diary, we are unable to grant the anticipatory bail to the petitioner and the prayer for bail of the petitioner is rejected.

The application being **CRM (A) 5376 of 2023** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**