

02.02.2024
Item No.53
Ct. No. 29
CHC
Rejected

C.R.M.(A) 5426 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Diamond Harbour** Police Station Case No. **276** of **2023** dated **02.07.2023** under Sections **363/365** of the Indian Penal Code, and adding Sections **376(n)/376(3)** of the Indian Penal Code and Section **06** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Masud Shah @ Shaha

..... petitioner

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sumit Routh

....for the petitioners

Mr. Saryati Datta

....for the State

Ms. Minoti Gomes,
Mr. Kausik Biswas

....for the de facto complainant

Petitioner, State and the de facto complainant are represented.

Victim recorded her statement under Section 164 of the Criminal Procedure Code exonerating the petitioner from the offences of kidnapping and abduction. However, she acknowledges physical relationship with the petitioner.

Victim apparently slightly over 15 years of age at the time of the incident.

Considering such aspect of the matter, we are unable to grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 5426 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)