

06.02.2024
Item No.522**ML**
Ct. No. 29
CHC
Rejected

C.R.M.(A) 5599 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malipanchghara** Police Station Case No. **207** of **2023** dated **25.09.2023** under Section **4** of the Protection of Children from Sexual Offences Act.

And

In the matter of : Somnath Das

..... petitioner

Mr. Sabir Ahmed,
Mr. Kutubuddin,
Ms. Suman Biswas,
Mr. Tasnim Ahmed
....for the petitioner

Mr. Aniket Mitra
....for the State

Mr. Suman De,
Mr. Pawan Kr. Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Mr. Abhinaba Mokherjee
.... for the de facto complainant

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the mother of the victim entered into an amorous relationship with the petitioner leaving her husband. Once such a relationship with the petitioner turned sour, her daughter was put-forward to lodge the present police complaint falsely implicating the petitioner.

State and the de facto complainant are represented.

We perused the statements recorded under Section 164 of the Criminal Procedure Code of the victim as also her mother.

Victim implicates the petitioner before us with regard to bad touch and penetrative sexual assault.

Version of the victim stands corroborated by her mother in her statement recorded under Section 164 of the Criminal Procedure Code.

At this stage, these materials should not be overlooked.

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

This application for anticipatory bail is, thus, rejected.

CRM(A) 5599 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)