

05.01.2024

Sl.33
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5732 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No.**440 of 2023** dated **27.09.2023** under Sections **341/323/325/34** of the Indian Penal Code, 1860, read with Section **10** of the Protection of Children from Sexual Offences Act, 2012, corresponding to Spl. Case No.88 of 2023.

And

In the matter of: **Alim alias Abdul Alim**

....petitioner.

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee

... for the petitioner.

Mr. Joydeep Roy

Mr. Palash Majhi

...for the State.

Mr. Sarthak Burman

... for the de facto complainant.

The petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. Petitioner and the de facto complainant are relatives. The incident is actually related to malfunctioning of a mobile phone.

State and the de facto complainant are represented.

The victim was about 12 years of age at the time of the incident. She recorded her statement under Section 164 of the Code of Criminal Procedure implicating the petitioner about inappropriate touch within the meaning of Section 10 of the Protection of Children from Sexual Offences Act.

Considering the materials in the case diary and in particular the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are unable to enlarge the petitioner on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the

petitioner is rejected.

C.R.M. (A) 5732 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)