

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

12.04.2024

Court No.01
rpan /09

CRM (A) 211 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Rajesh Barman

- Petitioner

Mr. Subhasish Misra,
Mr. Satyajit Paul
...for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Biswarup Roy
...for the State.

Apprehending arrest in connection with Mathabhanga Police Station Case No.522 of 2023 dated 29.09.2023 under Sections 363/365 of the Indian Penal Code with adding Sections 4/17 of the POCSO Act, the present application has been preferred.

Mr. Misra, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim girl. He has been falsely implicated and in the said conspectus, , custodial interrogation of the petitioner may not be necessary.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and submits that there are incriminating materials on record against the petitioner. The victim girl is aged about 14 years. In the said conspectus, custodial interrogation of the petitioner is necessary since investigation is not yet complete.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, including the statements of the victim girl, as recorded under Sections 161 and 164 of the Code, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to grant anticipatory bail to the petitioner.

The application for anticipatory bail, being CRM (A) 211 of 2024, is, thus, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.)

(Tapabrata Chakraborty, J.)