

25.04.2024
Court No.01
Item No. 16

Rejected

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 291 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 84 of 2024 dated 31.01.2024 under Section 323/448/506/34 of the Indian Penal Code adding Section 8 of the POCSO Act.

And

In Re: **Md. Rohit.**

Petitioner

Ms. Srishti Sarkar

For the Petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

For the State

1. It is submitted on behalf of the petitioner that the allegation is made out in the FIR is false and the outcome of a dispute between the neighbours.
2. While opposing the prayer for anticipatory bail, the learned Counsel for the State draws our attention to the statement of the victim as recorded under Section 164 of the Criminal Procedure Code.
3. We have perused the statement of the victim which directly implicates the petitioner for the commission of the alleged offence under section 8 of the POCSO Act, which is serious in nature.
4. In view of such, we are not inclined to exercise our discretion under Section 438 of the Code of Criminal Procedure in favour of the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

5. CRM (A) 291 of 2024 is, thus, dismissed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)