

24.04.2024
Court No.01
Item No. 29

Rejected

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (A) 347 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 406 of 2023 dated 17.12.2023 under Sections 6/17 of the POCSO Act of the Indian Penal Code.

And

In Re: **Bappi Miya**

Petitioner

Mr. Sourav Ganguly,
Ms. Rishita Chakraborty

For the Petitioner

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Sagnik Sankar Sikdar

For the State

1. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and the case has been registered against the petitioner by misusing the power under the Protection of Children from Sexual Offences Act, 2012.
2. The learned Counsel for the prosecution, however, strongly opposes the prayer for anticipatory bail and has referred to the earlier order of rejection as well as the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.
3. It appears that Nur Alam Miya along with other co-accused persons earlier approached this Court for anticipatory bail and the said application was not ultimately pressed. The coordinate Bench while disposing of the earlier writ petition had observed that there is serious allegation against Nur Alam Miya

in connection with offence under Sections 6/17 of the POCSO Act and the reason for not moving the application is well evident.

4. The petitioner, however, was not deterred by the observation made by the coordinate Bench and has approached this Court for anticipatory bail. It is submitted that Bappi Miya did not approach this Court earlier for anticipatory bail and hence, the observation made in the earlier order, may not be relevant for the present purpose. Even if we ignore that Bappi did not approach the Court earlier, the learned Counsel for the State is enough to inform us whether Bappi was the other applicant in the previous proceeding.
5. We have carefully read the statement recorded under Section 164 of the Cr.P.C. of the victim girl where she has clearly implicated the present petitioner. In view thereof, we are not inclined to allow the application for anticipatory bail.
6. The prayer of anticipatory bail is rejected. CRM (A) 347 of 2024 is, accordingly, dismissed.
7. 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)