

25.02.2025
Sl. No.15
akd
[Rejected]

C. R. M. (A) 523 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.02.2025 in connection with Berhampore Police Station Case No.603 of 2024 dated 20.04.2024 under Sections 363/365/506/34/376(2)(i)(n) of the Indian Penal Code and Section 6 of the POCSO Act. (G.R. Case No.2003 of 2024)

And

In Re: ***Indrajit Das***

... .. Petitioner

Mr. Sourav Chatterjee .. Sr. Advocate
Mr. Tapodip Gupta

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioner victim had voluntarily eloped. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the statement of the victim, a 13-year old girl. Her statement discloses a very disturbing state of affairs. She states her mother had kept her with her grandparents. The grandparents and maternal aunt compelled her to marry the petitioner. Thereafter, she resided in her house. Petitioner cohabited with her. She somehow fled away and lodged FIR. The aforesaid statement would show victim's relations i.e. her grandparents and maternal uncle had married her off to the petitioner who cohabited with her. Allegations disclose petitioner had committed penetrative sexual assault on a minor. Subsequently, charge sheet has been filed

incorporating Sections 9/10 of the Prohibition of Child Marriage Act against other accused. In light of the aforesaid circumstances disclosing involvement of the petitioner in committing penetrative sexual assault on a 13-year old girl, we are not inclined to grant anticipatory bail to him.

4. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)