

C. R. M. (A) 744 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thakurpukur Police Station Case No.357 of 2024 dated 24.12.2024 under Section 64 of BNS, 2023 read with Sections 8 & 6 of the POCSO Act.

In Re: **Kamal Ahmed.**

... .. Petitioner

Mr. Sourav Chatterjee, Ld. Sr. Adv.
Mr. Sourat Nandy

... .. for the petitioner

Mr. Debasish Roy, Ld. P.P.
Mr. Arijit Ganguly
Mr. Koushik Kundu

... .. for the State

Md. Sahahjahan Hossain
Mrs. Sanjida Sultana
Mr. Prithwiraj Biswas

...for the de-facto complainant.

1. Petitioner submits he is the landlord of the de-facto complainant. The tenancy had expired and they were illegally occupying the premises. Over this issue a dispute cropped up. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State and de-facto complainant deny and dispute such allegation. It is contended de-facto complainant presently resides in a house adjacent to the petitioner. It is also alleged petitioner had called the minor and subjected her to penetrative sexual assault.
3. We have considered the materials on record including statement of the minor. Though de-facto complainant and his family were tenants under the petitioner earlier, it is contended presently they are residing in

a separate apartment adjacent to the petitioner's house. Statement of the minor shows petitioner had called her while she was playing and committed penetrative sexual assault on her. Nothing is placed on record to show any notice of eviction was served upon de-facto complainant which resulted in dispute and prompted false implication. On the other hand, minor's statement is credible and implicates the petitioner in the crime.

4. Hence, we are not inclined to grant anticipatory bail to him.

5. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)