

CRM (A) 241 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Munni Begum @ Ajmira Begum**
@ Ajimira Begum & Anr.

..... petitioners

Mr. Pinak Kr. Mitra

.....For the petitioner

Mr. Navanil De

.....For the State

Mr. Debabrata Acharyya
Mr. Sital Samanta

.....For the *de facto* complainant

Apprehending arrest in connection with Shyampur Police Station Case No. 311/2021 dated 04/08/2021 under Sections 363/365/34 of the Indian Penal Code and adding Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act, the present application has been preferred.

Mr. Mitra, learned advocate appearing for the petitioners submits that the ingredients of Section 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act are not attracted against the petitioners herein, who are the mother and uncle respectively of the principal accused, namely, Amir Khan. He further submits that the principal accused had a consensual relationship with the victim girl and the allegations levelled against the petitioners herein are unfounded. In the said conspectus, custodial interrogation of the petitioners may not be necessary. Answering our query,

he submits that the principal accused has not yet been arrested.

Mr. De, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code and the medical report.

Mr. Acharyya, learned advocate enters appearance on behalf of the *de facto* complainant.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials against the petitioners. The victim girl was a minor on the date of the alleged incident. The principal accused is still absconding. In the said conspectus, we are not inclined to exercise any discretion in their favour and as such, their prayer for anticipatory bail is refused.

The application being CRM (A) 241 of 2022 is, accordingly, dismissed.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)