

28.08.2023
SL. ML-521
Court No. 29
A.B.
(Rejected)

C.R.M. (A) 3342 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Beldanga** P.S. Case No. **613 of 2021** dated **20.11.2021** under Sections **4 and 8** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **XXXXXX**

....petitioner.

Md. Mokaram Hossain
Mr. Sandipan Maity

...for the petitioner.

Mr. Sujan Chatterjee

...for the State.

1. Heard learned Counsel for both the parties.
2. From the case diary it is found that the petitioner being the mother of the victim tried to implicate innocent persons in the allegation of rape of her daughter and sister-in-law (wife of her brother). The statement of the victim recorded under Section 164 Cr.P.C. is totally silent about any act of ravishment by the persons against whom the present F.I.R. is filed. It shows that three unknown persons ravished her (victim) when the present petitioner, her aunt and her maternal grand father were watching the incident. From the records it is further found that on account of matrimonial dispute with her husband, the present petitioner had filed a case under Section 376 I.P.C. along with other offences against her husband and his family members.
3. Though no case under Sections 4 and 8 of the POCSO Act, 2012 is not made out against the petitioner, we are not inclined to

admit the petitioner on anticipatory bail considering her conduct who is in the habit of filing false cases against the innocent persons.

4. Therefore, from a societal point of view we are not inclined to exercise our discretion in favour of the petitioner under Section 438 of the Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **C.R.M. (A) 3342 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

