

04.10.2023
(D/L 60)
Ct. No.29
Rejected
(SKB)

CRM (A) 4056 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ranitala P.S. Case No.556 of 2022 dated 19.12.2022 under Sections 376/417/313 of the Indian Penal Code and Section 6 of the POCSO Act corresponding to G.R. Case No.4207 of 2022.

In the matter of : Mamun Khan @ Md. Abdul Gani
... Petitioner

Mr. Tapodip Gupta
... for the petitioner

Mr. Tanmoy Kr. Ghosh,
Ms. Sonali Bhar
... for the State

1. Heard learned advocates for the parties.
2. From the materials as placed before us, it reveals that the victim is a minor and was impregnated by the brother of the present petitioner and the present petitioner thereafter took the said victim to a quack for abortion and finally at his instance, such abortion was done. Such allegation gets due support from the statement of the victim as recorded under Section 164 Cr.P.C. as well as from the medical report and the version of the doctor who subsequently examined the victim minor. The said quack has also been arrested in the meantime as submitted by learned counsel for the State.
3. Considering the seriousness of the crime and the involvement of the present petitioner in the alleged crime,

we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.

4. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 4056 of 2023 is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)