

**20.03.2024**  
DL-26  
Court No.29  
(AD)  
(Rejected)

**C.R.M. (A) 980 of 2024**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Howrah** Police Station Case No. **424 of 2023** dated **27.12.2023** under Sections **306/313/34** of the Indian Penal Code, 1860 and **6** of the Protection of Children from Sexual Offences Act, 2012. Subsequently charge sheet has been submitted under Sections **305/313/120B/34** of the Indian Penal Code and **6** of the Protection of Children from Sexual Offences Act, 2012. (Spl T.R. Case No.06 of 2024).

And

In the matter of: **Debdyut Biswas & Anr.**

....petitioners.

Ms. Minoti Gomes

... for the petitioners.

Ms. Faria Hossain, Ld. APP

Ms. Rita Dutta

... for the State.

Mr. Arindam Jana

Mr. Sumitava Chakraborty

Ms. Bratati Pramanick

... for the de facto complainant.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that, police filed charge sheet. Petitioners are not the principal accused. Petitioners accompanied the victim at the request of the mother of the victim.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the mother of the victim recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate appearing for the de facto complainant submits that, the principal accused was in a relation with another lady. That lady was also committed suicide.

Here, the petitioners as maternal uncle and aunty of the

principal accused are resident of a different place. They accompanied the victim to places where, the victim was forced to undergo abortion.

The mother of the victim in her statement recorded under Section 164 of the Code of Criminal Procedure implicates both the petitioners before us in accompanying the victim for the purposes of abortion.

Medical documents available in the case diary suggest that the victim underwent abortion.

Documents available in the case diary suggest that the principal accused was involved with another lady who ultimately committed suicide.

Complicity of the petitioners in the present police case requires investigation.

Enlarging any of the petitioners on anticipatory bail will be inimical to such investigation.

Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

**C.R.M. (A) 980 of 2024** is dismissed.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**