

10.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1161 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chitpore Police Station Case No. 48 of 2024 dated 20.03.2024 under Sections 417/376/354C/509/506/406/120B of the Indian Penal Code, 1860 read with Section 4 and 6 of the Protection of Children from Sexual Offence Act, 2012 and Section 66E and 67A of Informational Technology Act, 2000; subsequently added Sections 313 and 377 of Indian Penal Code, pending before the Court of learned Special Judge under POCSO Act, (Additional District Judge and Sessions Judge), Sealdah, South 24 Parganas.

And

In Re : Kalyani Mitra petitioner

Mr. Ali Ahasan Alamgir

Mr. Syed Uj Jaman

Ms. Soma Pal

Ms. Rabia Khatoon

.....for the petitioner

Ms. Minoti gomes

Mr. Asif Dewan

....for the State

Mr. Apalak Basu

Ms. Sanghamitra Mridha

...for the de facto complainant

1. Petitioner submits she is the mother of the principal accused who is in custody. She has been falsely implicated. She prays for anticipatory bail.
2. Learned Lawyer for the de facto complainant submits petitioner had taken the victim to a medical institution and forced her to abort the child. In rebuttal, it is submitted that the victim had consented to the procedure.
3. We have considered the materials on record. Petitioner is the mother of the principal accused. Allegation that she

forced the victim to abort appears to be improbable in light of the submission that the victim had consented to the procedure.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition she shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)