

18.07.2024
Sl No. 29
Court No. 29
TN
(Rejected)

CRM (A) 2395 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mothabari Police Station Case No. 416 of 2023 dated 10.11.2023 under Sections 448/328/307/34 of the Indian Penal Code.

And

In the matter of : **Adori Bibi @ Adori Khatun and another.**

- petitioners

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Akash Sarkar,
Mr. Arindam Poali

....for the petitioners

Mr. S.S. Imam,
Ms. Ayana Dey

... for the State

1. The victim is 14 year old girl. She clearly implicated the petitioners in her statement recorded under Section 164 of CrPC. She alleged that acid was forcefully administered inside her mouth, but IO did not submit charge sheet under Section 326A of the IPC.
2. All the petitioners have been implicated by the victim's statement recorded under Section 164 of the Code of Criminal Procedure.
3. The charge sheet has been filed.
4. We are also surprised that the prosecution has failed to incorporate Section 326A of the Indian Penal Code (IPC) although there are sufficient materials for addition of the said section and accordingly the prosecution is directed to file a

supplementary charge sheet by incorporating Section 326A of the IPC.

5. The Investigating Officer did not perform his duty as is expected of him.
6. Accordingly, the application for anticipatory bail is rejected.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)