

01.10.2024
Court No.29
Item No. 14

sg

CRM (A) 3487 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Howrah Police Station Case No. 424 of 2023 dated 27.12.2023 under Sections 305/313/120B/34 of the Indian Penal Code and Section 6 of POCSO Act.

And

In Re: **Mili Aich & Anr.**

Petitioners

Md. Wasim Akram

For the Petitioners

Mr. Bibaswan Bhattacharya
Ms. Suruchi Saha

For the State

Mr. Arindam Jana
Mr. Sumitava Chakraborty

For the defacto complainant

1. We have heard the learned Counsel for the parties.
2. The petitioners are the parents of the principal accused. The principal accused is in custody. It is submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated.
3. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the parents of the principal accused are involved for inducing the victim for abortion.
4. The learned Counsel for the defacto complainant has also opposed the prayer for anticipatory bail. Reliance has been placed on an order passed by the coordinate Bench for which the prayers for anticipatory bail of the uncle and aunt have been denied.

5. Considering the materials available in the case diary and having regard to the fact that the ingredients of Section 313 of the Code of Criminal Procedure are prima facie established from the statement of the mother of the victim and having regard to the fact that the persons who were also named by the mother of the victim have been denied anticipatory bail on self-same ground, we are not inclined to grant anticipatory bail to the present petitioners.
6. Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

(Soumen Sen, J.)

(Uday Kumar, J.)