

22.04.2025
Sl No.15
Ct. No.39
ss
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 854 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 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, 2012.

And

In Re : Mili Aich & anr.

.....Petitioners

Mr. Md. Wasim Akram

.....for the Petitioners

Mr. Bitasok Banerjee

Ms. Rajashree Tah

.....for the State

Mr. Arindam Jana

Mr. Sumitava Chakraborty

Mr. Ruhul Surtan

Mr. Yuvraj Chatterjee

... for the *de facto* complainant

Learned Advocate for the petitioners submits that the son of petitioners developed love affairs with the victim. Negotiation of marriage between the victim and their son was going on. In the meantime, the son of the petitioners and the victim girl got involved in physical relationship, resulting in pregnancy of the victim. The child in the womb got aborted and the victim was admitted to Bellview Nursing Home at Tamluk with the consent of the mother of the victim. Thus, there are no such incriminating materials against the petitioners who were also not named in the FIR. Further upon completion of

investigation, charge-sheet has already been submitted under Sections 313/120B/34 of the Indian Penal Code and as such further detention of the petitioners in custody is not required. The petitioners are in custody for last four months. He seeks for enlargement of the petitioners on bail.

Learned Advocate representing the *de facto* complainant submits, at the outset, that the petitioners previously the application for bail being CRM (DB) 4394 of 2024 filed by the petitioners was dismissed as not pressed by order dated 26th February, 2025 and within a period of six days the present application was filed without assigning any proper reason disclosing change in circumstances in filing of the present application. He submits that the consent of the mother of the victim at the time of admission of the victim to the nursing home was obtained by coercion. Death of the victim has occasioned due to overt action of the petitioners, their son and other family members. In light of the above, he seeks for dismissal of the application for bail.

Learned Advocate for the State opposing such prayer for bail submits that as per the statement of the mother of the victim there are grave allegations against the petitioners of forcing the mother of the victim to sign the consent form while admitting the victim to the nursing home. Hence, the application for bail should be dismissed.

Perused the case diary and the materials on record.

It is a fact that previously the petitioners preferred an application for bail being CRM (DB) 4394 of 2024 which was

not pressed and thereafter the present application has been filed. It has been stated in the present application that the previous application was not pressed due to absence of some important pleas. Learned Advocate for the petitioner at the time of hearing indicated that since the fact that the mother of the victim put her signature on the bond was not stated in the previous application, that was not pressed. Upon comparative analysis of the pleading in paragraph no. 8 of present application as well as the previous one, it is found that such ground was not stated in the previous application. Thus, this application for bail is taken up for consideration.

Upon going through the medical report of Bellview Nursing Home at Tamluk, it appears that the victim had spontaneous miscarriage. The aspect of coercion in taking signature of the mother of the victim on the Bond needs to be decided in the trial upon evidence. Be that as it may, upon completion of investigation charge-sheet has been submitted in this case under Sections 313/120B/34 of the India Penal Code against the petitioners. Both the petitioners are in custody for four months. Considering the above and also bearing in mind the period of detention I am inclined to enlarge the petitioners on bail.

Accordingly, the petitioners, namely, **Mili Aich** and **Arup Aich**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court under POCSO

Act, Howrah. The petitioners shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (DB) 854 of 2025** is disposed of.

(Bivas Pattanayak, J.)