

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

27.09.2021
Court No.01
Item No.22
Avijit Mitra

CRM 462 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re: Riyajul Haque

...Petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

...For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Sagnik Sankar Sikdar

...For the State

Apprehending arrest in connection with Kotwali Cooch Behar Police Station Case No.497 of 2020 dated 04.11.2020 under sections 363/365/109 of the Indian Penal Code read with Section 04 of POCSO Act, 2012, the present application has been preferred.

Mr. Misra, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. The principal accused, namely, Siraj Hossain has already been granted bail. Upon completion of investigation chargesheet has also been submitted and as such custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that there are incriminating materials against the petitioner. In support of such contention he has drawn our attention to the statement of the victim girl as recorded under Section 164 of the Code.

He further submits that one Mostakin Hoque alias Miah who is similarly situated with the petitioner herein had already been refused anticipatory bail by an order dated 23rd September, 2021 passed in CRM No.552 of 2021.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of accusations and the fact that one co-accused person, namely, Mostakin Hoque @ Miah had already been refused anticipatory bail, we are not inclined to exercise any discretion in favour of the petitioner and as such, his prayer is refused.

Accordingly, the application for anticipatory bail being C.R.M. No.462 of 2021 is dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)