

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

23.09.2021
Court No.01
Item No.17
Avijit Mitra

CRM 552 of 2021

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

And

In Re: Mostakin Hoque @ Miah

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Sagnik Sankar Sikdar

...For the State

Apprehending arrest in connection with Kotwali Police Station Case No.497 of 2020 dated 04.11.2020 under sections 363/365/109 of the Indian Penal Code and added Section 4 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Mr. Guha, 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.

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 extent of the complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer is refused.

Accordingly, the application being C.R.M. No.552 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.)