

10.07.2025  
Item No.05.  
Daily List  
Court No.42  
Mithun  
(Allowed)

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

**CRM (DB) 799 of 2025**

In re : An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (previously under section 439 of the Code of Criminal Procedure, 1973) in connection with Labpur Police Station Case No.96/2023 dated 23.06.2023 under Sections 305/120B of the Indian Penal Code and Sections 8/12 of the POCSO Act in Sessions Case No.143 of 2024 (R) now pending before the Court of Learned Additional District & Sessions Judge, Bolpur, Birbhum (Corresponding to Special POCSO Case No.7/2023).

-And-

**In the matter of : Momin Mollah @ Dabir Hossain Mollah @  
Dobir Hossain**

... Petitioner

Mr. Sanjib Kumar Dan

...for the petitioner

Mrs. Zareen Nasima Khan,  
Mr. Sharequl Haque

... ...For the State

Service report filed by the State along with report of the Investigating Officer is taken on record.

Investigating Officer is present in Court. He files report in compliance of order of this Court dated 1<sup>st</sup> July, 2025, which is taken on record.

Learned Advocate for the petitioner submits that the charge-sheet was proceed under Section 305/120B of the IPC. Subsequently, by the order of this Court Sections 8/12 of the POCSO Act has also been added. However, there are no such ingredients to attract such offence. The petitioner and the victim

had love affairs and a proposal of marriage was given by the family members of the petitioner. The PM report also does not reveal of any injury. The petitioner is in custody for last six months and after completion of investigation charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail on any condition.

Opposing such prayer for bail, learned Advocate for the State submits that as per the statement of the witnesses the victim was sexually assaulted and obscene photographs were captured in the mobile phone of the petitioner. She seeks for dismissal of the bail application.

Despite service, none appears on behalf of the *de facto* complainant.

Perused the case diary and the materials on record.

The case was initiated under Sections 305/120B of the IPC, Section 67B of the Information Technology Act and Section 8 and 12 of the POCSO Act on 23<sup>rd</sup> June, 2023. Upon completion of investigation, charge-sheet has been submitted only under Sections 305/120B of the IPC. By the order of this Court, the provision of Sections 8/12 of the POCSO Act has been added. The statement of the witnesses recorded under Section 161 of the Cr.P.C. reveals that the victim was subjected to sexual assault and the photographs were captured in the mobile phone of the petitioner.

Be that as it may, the Post Mortem report does not reveal of any notable injuries and the death was due to effects of hanging which is ante mortem in nature. No such evidence of

any obscene photographs taken in the mobile phone have been produced by the prosecution. The report of the investigation officer is also bereft of any seizure of incriminating substance pertaining to obscene photographs. Whether the petitioner coerced the victim to commit suicide or his complicity in the offence may be examined and assessed in trial. The petitioner is in custody for last six months and chargesheet has already been submitted. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Momin Mollah @ Dabir Hossain Mollah @ Dobir Hossain** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional District & Sessions Judge, Bolpur, Birbhum subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a fortnight. The petitioner shall not enter the jurisdiction of Labpur Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned Trial Court on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **CRM (DB) 799 of 2025** is disposed of.

Personal appearance of the Investigation Officer is dispensed with.

**(Bivas Pattanayak, J.)**