

28. 08.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 140 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Mathabhanga Police Station Case No. 186/2025** dated **14/3/2025** under Section **12** of POCSO Act, 2012.

And

In the matter of: - **Aiyub Hossain @ Ayub Hossen** ...petitioners.
Mr. Biswarup Roy ...for the petitioners.
Mr. Ujjwal Luksom
Ms. Namrata Das ...for the State.
Mr. Debjit Kundu ...for the *de facto* complainant.

1. Service report filed by the State be kept with the records.
2. Pursuant to service, the *de facto* complainant is represented through learned Advocate.
3. The petitioner says that he has no role to play in the suicide of the victim girl. She consumed poison having been rebuked by her parents. He prays for pre-arrest bail. He says that he will fully co-operate with the Investigating Officer.
4. Learned Advocates for the State and the *de facto* complainant oppose the prayer for anticipatory bail.
5. I have seen the statement of the victim girl recorded before she passed away. She did not implicate this petitioner at all. On the

contrary, she said that she consumed poison since her mother had admonished her.

6. On an overall assessment of the facts and circumstances of the case and considering the possible extent of complicity of the petitioner in the alleged crime, I am of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.
7. Accordingly, in the event of arrest, the petitioner, namely, **Aiyub Hossain @ Ayub Hossen** shall 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 local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall report to the Investigating Officer of this case, once every fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
8. In case the petitioner fails to adhere to any of the conditions as stipulated above, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
9. The application for anticipatory bail being CRM (A) 140 of 2025 is accordingly disposed of.

10. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)