

**IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri  
Criminal Miscellaneous Jurisdiction**

24.11.2025  
25(DL)  
Ct. No.3  
srm  
(Rejected)

**C.R.M. (A) 761 of 2025**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to in connection with G.R. Case No.749 of 2025 arising out of Alipurduar P. S. Case No.157 of 2025 dated 03.05.2025 under Sections 85/80(2)/108/64/3(5) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Chief Judicial Magistrate, at Alipurduar.

In the matter of : Aijul Miya @ Hossain

... Petitioner.

Mr. Bapi Sarkar,  
Mr. Roumyadip Saha

...for the Petitioner.

Mr. Kallol Acharjee,  
Mr. Ujjwal Luksom,  
Mr. Biswarup Roy

...for the State.

Mr. Bhaskar Roy Mahasaya,  
Ms. Ambalika Ghosh

...for the *de facto* complainant.

1. Learned Advocate for the petitioner submits that petitioner is the father-in-law of the deceased. There are no such direct allegations against this petitioner. The husband and other co-accused have been granted bail. There is improvement in the case of the prosecution so far as allegations as revealed in the F.I.R. vis-a-vis the statement of the witness recorded under Section 164 of the Cr.P.C. He seeks for grant of anticipatory bail in favour of the petitioner.

2. Opposing such prayer for anticipatory bail, learned Advocate for the State submits that there are specific allegations against this petitioner, who happens to be the father-in-law, of causing rape upon the victim. The victim died within one year of her marriage. He seeks for dismissal of the prayer for anticipatory bail of the petitioner.
3. Similar submission is advanced on behalf of the *de facto* complainant.
4. Perused the case diary and materials on record.
5. Upon going through the statement of the witness recorded under Section 164 of the Cr.P.C., it is found that there are specific allegations against this petitioner of causing rape upon the victim. *Post mortem* report records that that the death was due to effect of hanging which is *ante mortem* in nature and the victim at the time of incident was pregnant with 15/17 weeks of foetus in her womb. Considering the above and the nature and gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner.
6. Thus, the prayer for anticipatory bail is rejected.
7. **CRM (A) 761 of 2025** stands dismissed.

**(Bivas Pattanayak, J.)**