

34.
14-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 45 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Women Police Station Case No.104 of 2020 dated 19-11-2020 under Section 8 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Sahajan Ali @ Sajahan Ali

.... Petitioner.

Mr. Anindya Ghosh,
Mr. Swarup Kumar Mandal

... For the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das

... For the State.

The petitioner says that this complaint has been filed as a counter-blast. The petitioner's minor daughter had been kidnapped. The petitioner has lodged a complaint against the family members of the present defacto complainant under Sections 363/365 of the Indian Penal Code, which culminated in a Charge Sheet being filed under Section 6 of the POCSO Act. The defacto complainant in this case is the sister-in-law of the principal accused in the case initiated at the behest of the present petitioner. The petitioner says that he will fully cooperate with the Investigating Officer.

The State opposes the prayer for anticipatory bail.

We have seen the material in the Case Diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the

alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Sahajan Ali @ Sajahan Ali**, 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 on further condition that the petitioner shall meet the Investigating Officer once in every fortnight until completion of investigation. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 45 of 2022 is, thus, **allowed**.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)