

01.05.2024
Court No.01
Item No. 44

Allowed

sg

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

CRM (A) 308 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Boxirhat Police Station Case No. 476 of 2023 dated 14.11.2023 under Sections 498A/306/34 of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In Re: **Aijul Sekh @ Aijul Mia.**

Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

For the Petitioner

Mr. Arjun Chowdhury
Mr. Pratusha Dutta Chowdhury
Ms. Riya Agarwal

For the victim

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

For the State

1. We have heard the learned Counsel for the petitioner, the learned Counsel for the State as well as the learned Advocate for the informant.
2. In course of submission of Mr. Hillol Saha Podder, learned Counsel for the petitioner submits before this Court that the allegation as made out in the FIR is the outcome of a matrimonial dispute in which on the basis of the instigation of the present informant, her husband, who is the son of the present accused petitioner died and on account of such incident, the present accused petitioner lodged FIR against the informant of this case being Baxirhat Police Station Case No. 410 of 2023 on 03.10.2023. It is further submitted by Mr. Saha Podder that the present case is the counter blast to the

earlier case as initiated by the present accused petitioner against the present informant.

3. The learned Counsel for the State opposes the prayer for anticipatory bail.
4. Mr. Arjun Chowdhury, learned Counsel appearing on behalf of the informant submits before this Court that the informant has lodged this complaint because of the fact that during her stay at the matrimonial home, the present accused petitioner, who is the father-in-law of the informant made several attempts to harass her sexually.
5. On perusal of the entire materials as placed before us and after hearing the submission and counter submission, we find that a matrimonial discord exists between the informant, the present accused petitioner and his family members.
6. Having regard to the facts and circumstances of the case as discussed (supra) and also considering the nature of the involvement of the present accused petitioner in the alleged crime, we are inclined to grant anticipatory bail to the present accused petitioner.
7. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Aijul Sekh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a further condition that the present accused petitioner shall meet the Investigating Officer of this case twice in a week till the completion of the investigation and shall not leave the territorial jurisdiction of the District Coochbehar till the final report is filed.
8. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

9. CRM (A) 308 of 2024 is, thus, disposed of.

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

(Soumen Sen, J)

(Partha Sarathi Sen, J)