

29.11.2024
SI No.46
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 849 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS in connection with **Naxalbari** Police Station Case No. **186/2024** dated **07.08.2024** under Sections **324/498A/506/34** of the IPC read with Section 6 of the POCSO and Sections **3 & 4** of Dowry Prohibition Act.

And

In the matter of: **Md. Ijahar @ Md. Izahar @ Aslam**

... Petitioner

Ms. Rima Sarkar
Ms. Sidhi Sethia

... for the petitioner

Mr. Kallol Acharjee
Dr. Arjun Chowdhury

... for the State

1. Petitioner prays for anticipatory bail on the ground that his wife has falsely implicated him in the case following some misunderstanding and at the instigation of her mother.
2. The learned advocate for the de facto complainant opposes such prayer of the petitioner and submits that the de facto complainant was forced to marry the petitioner in a “salishi sabha”, because certain photographs have gone viral.
3. Learned counsel for the State produces the case diary and opposes the prayer for anticipatory bail of the petitioner. He submits that the parties were married.
4. Having considered the materials in the case diary, we are of the view that custodial interrogation of the petitioner is not necessary. The benefit of Section 482 of the BNSS

corresponding to Section 438 of the Cr.P.C. can be extended to the petitioner, especially because the complaint was lodged seven years after the alleged incident when the parties were living a married life for more than two years. We also find that FIR was lodged earlier by the mother of the de facto complainant on June 27, 2024 and the accused persons are already on bail. Subsequently, another FIR was lodged by the de facto complainant, based on which the present case has been registered with addition of Section 6 of the POCSO Act. Charge-sheet has been filed.

5. Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Judge under POCSO Act, Siliguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS that the petitioner shall appear before the jurisdictional court on the dates fixed.
6. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)