

02 24.4.2019

C.R.M. 205 of 2019

SM

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 10/4/2019 in connection with Sitalkuchi P.S. Case No.366 of 2017 dated 19/11/2017 under Sections 363 of the Indian Penal Code read with Section 4 of Prevention of Children from Sexual Offences Act.

And

In the matter of: Alamgir Mian

....petitioner.

Mr. Joydeep Kanta Bhowmik,
Mr. Rahul Ray,
Ms. Ankita Patodia.

...for the petitioner.

Mr. Arun Kr. Sarkar,
Mr. Aniruddha Biswas.

...for the State.

The previous prayer of the petitioner was rejected in February, 2019. The petitioner renews the prayer since the petitioner continues to remain in custody.

A document has been appended to the petition seeking to be a copy of a marriage certificate issued by a Muslim Marriage Registrar. According to the petitioner, he married the victim sometime in May, 2018.

The victim's statement was obtained under Section 164 of the Code. Though the recording Magistrate was utterly careless in not noting down the date when such statement was obtained, the petitioner says that the date must have been sometime after December 12, 2012. In the statement, the victim does not refer to any marriage. The victim referred to having been abducted by the petitioner and taken to Mumbai and Delhi but despite the victim being given an opportunity to state any further matter that she perceived to be relevant, the victim did not indicate that she was married to Alamgir Mian.

Considering the age of the victim and her statement, the petitioner's prayer for bail cannot be acceded to at this stage.

CRM 205 of 2019 is rejected.

(Sanjib Banerjee, J.)

(Suvra Ghosh, J.)