HIGH COURT OF TRIPURA
AGARTALA

BA NO.124 OF 2020

Janardhan Bhowmik on behalf accused Tamal Bhowmik
Vs.
The State of Tripura.

For Petitioner(s)	: Mr. P.K. Pal, Adv.
For Respondent(s)	: Mr. Ratan Datta, P.P.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

20/11/2020

Heard Mr. P.K. Pal, learned counsel appearing for the petitioner as well as Mr. Ratan Datta, learned P.P. appearing for the State-respondent.

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for granting bail to the accused-person who has been in custody since 09.11.2020 in connection with R.K. Pur Women P.S. Case No.2020RPO53 under Sections 366(A)/354(A)(i)(ii)/506/34 of the IPC.

The accused himself is aged about 20+ years and he is a student of Engineering course. On the basis of the complaint lodged by the uncle of the victim-girl, the accused-Tamal Bhowmik has been put in custody for the aforesaid offences.

This Court has passed through a very peculiar circumstance when the matter is heard.

On hearing the learned counsel, this Court vide order dated 19.11.2020 directed the learned Public Prosecutor as well as the learned counsel appearing on behalf of the accused-person to ensure the presence of the victim girl as well as her parents and one of the parent of the accused vide order dated 19.11.2020. According to this order, the victim girl and her mother as well as the mother of the accused has appeared before this Court. Accordingly, I have virtually interacted with them.

During interaction, the mother of the victim-girl stated that she does not want to get her daughter married with the accused.

I have also heard the victim-girl. She has stated that they had a deep love affair and out of that love and passion, they got married in a temple and after marriage they started to lead their conjugal life as husband and wife in a peaceful manner.

To a specific query made by this Court, the victim-girl categorically has stated that whatever there may be, she has decided to lead her life with the accused, who according to her is her legally married husband. Further, she has stated that there was no provocation on behalf of the accused to get her married with him. The accused never had applied any force upon her. The victim-girl has submitted that though they had

married in temple but they are ready to solemnize their marriage in accordance with law after attaining the age of majority.

The mother of the accused-boy appeared before this Court and has stated that they have only one son and have no daughter. They will treat her as their daughter.

It is informed that the police also added some sections under Child Marriage Act. However, after perusal of the record it is found that both of boy and the girl are about to attain the age of majority. Moreover, there is no ingredient of Sections 366(A)/354(A)(i)(ii)/506 of IPC. Only fact remains that both of them are minors. It is also found that the girl is aged about 17+ years and about to touch the bar of 18 years. She is student of class-XI in an English Medium School. The accused is an engineering student of 3rd Semester and also runs a business.

Considering all aspects, I am inclined to release the accused-person, Shri Tamal Bhowmik on bail.

Accordingly, the accused-person, ***Shri Tamal Bhowmik*** shall be released on bail on his furnishing a bail bond of Rs.25,000/- with one sure of like amount to the satisfaction of the learned Elaka Magistrate.

However, the accused-person shall not disturb the girl unless and until the girl attains the age of majority and even

he would not apply any force or coerce the girl to marry her even after her attaining the age of majority. The lawful marriage would be absolutely at the option of the girl.

With the above observation and direction, the instant bail application is allowed and thus disposed of.

JUDGE

HIGH COURT OF TRIPURA

suhanjit