

29.09.2020
Court No. 8
Item No.7
(D/L)
abhar/bdatta
(allowed)

CRM 7087 of 2020
in
CRAN 1 of 2020
(Via Video Conference)

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Habra P. S. Case No. 113 of 2020 dated 07.03.2020 under Sections 342/376/506 of the Indian Penal Code and Section 6 of POCSO Act and Section 3 of the Child Marriage Act.

and

In the matter of: Sanjit Karmakar

..... Petitioner

Mr. Debasis Kar,
Mr. Husen Mustafi,
Mr. Subhajit Chowdhury.

.....for the Petitioner

Mr. Sudip Ghosh.
Mr. Bitasok Banerjee.

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that the petitioner is in custody for nearly 7 months and, in fact, no allegations have been made by the victim girl who happens to be his wife against him. It is submitted that the entire allegation is made against the another person, namely, Narayan Pal who is, in fact, the prime accused.

The learned advocate appearing for the State opposes the prayer for bail. It is submitted that the victim was minor at the time of marriage and, in fact, the case has been registered against the husband on the basis of the statement made by her under Section 161 of the Code of Criminal Procedure before the

police authority. However, the learned advocate for the State fairly submits that the victim did not make any allegation against the husband in her statement recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and perusing the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and the fact that they are now major and are happily residing together with the child and the further fact that the charge sheet has already been submitted, we do not think that any further custodial interrogation of the petitioner is necessary. Accordingly, the prayer for bail is allowed.

The petitioner, namely, Sanjit Karmakar shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat, North 24 Parganas on condition that he shall attend the case on each day of hearing and in the event of default on a single occasion, it is open to the learned Judge to cancel the bail without any further reference to this Court.

The application for bail being CRM 7087 of 2020 is allowed.

(Hiranmay Bhattacharyya, J)

(Harish Tandon, J.)