

DI. October 1,
10. 2020

C.R.M. 7351 of 2020
With
C.R.A.N. 1 of 2020

(Via Video Conference)

In the matter of : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 144 of 2020 dated May 14, 2020 under Sections 363/376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act and Sections 9/10 of the Prohibition of Child Marriage Act;

And

In the matter of : Palan Sheet ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Md. Sabir Ahmed,
Mr. Sandip Kumar Mondal,
...for the petitioner.

Ms. Zareen N. Khan,
Ms. Manisha Sharma,
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that following an affair with the survivor for some time, the petitioner married the survivor without knowing that she was a minor.

The State says that the girl was a minor. The State refers to the statements of the girl recorded under Section 161 of the Code and under Section

164 thereof.

It is fairly clear that there was a relationship. To the extent that the charge is of statutory rape, the petitioner must face the same. However, the further custodial detention of the petitioner is not necessary as long as the petitioner does not make any contact with the survivor till the completion of the trial.

Subject to the above, the petitioner will be enlarged on bail upon furnishing security of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the appropriate Court in South 24-Parganas. The petitioner will also attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this court.

CRM 7351 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

ar & dns

(Aniruddha Roy, J.)