

**CRM 9076 of 2020
(Through Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj P.S. Case No.148 of 2020 dated 18.03.2020 under Sections 363/365/376/120B of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of: **Makail Sekh @ Mikail Sk**

.... Petitioner

Mr. Sumanta Das

... For the Petitioner

Mr. S.S.Imam

Mr. Subrato Roy

... For the State

The petitioner undertakes to 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 the petitioner had a relationship with the alleged survivor, but owing to family pressure, the alleged survivor was forced to marry some other in March this year. A copy of the invitation card has been appended to the petition.

The petitioner's further case is that shortly after the forced marriage, the alleged survivor ran away to the petitioner and the duo spent a few days in Digha before proceeding to Mumbai. The petitioner claims that the alleged survivor was then to return to Kolkata and seek a divorce from the husband she married in March. The petitioner claims that the alleged survivor may have succumbed to the pressure created by her family members in lodging the false complaint.

The State relies on the statement of the survivor, aged 17. Such statement refers to the survivor having spent a few days with the

petitioner herein in Digha, though it is claimed to be under duress. Again, such statement claims that the survivor was forced to travel to Mumbai with the petitioner.

Prima facie, the story sought to be made out in the statement rendered by the survivor leaves a lot of gaps and several questions unanswered, not the least of them being as to why the girl could not raise a hue and cry either in Digha or in course of her travelling to Mumbai by train.

Since the charge-sheet has been filed and the investigation has been completed, the further detention of the petitioner is deemed unnecessary.

The petitioner will be enlarged on bail upon furnishing security 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 appropriate court in Nadia.

The petitioner will not contact the survivor till the trial is completed. The petitioner should 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 9076 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)