

11.06.2021

(Sl. No. 133)

Ct. No. 28

(S. Banerjee/TB)

CRM 2883 of 2021

(through Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Harwood Point Coastal Police Station Case No. 256 of 2020 dated 06.11.2020 under Sections 363/365/366/366A/34 of the Indian Penal Code, 1860 and Section 12 of POCSO Act and Section 6 of Child Marriage Act (POCSO case no. 31 of 2020).

And

In the matter of: Md. Arif

...petitioner

Mr. Arup Kumar Bhowmick

... for the petitioner

Mr. Zarin Khan

Mr. S. Das

... for the State

Counsel for the petitioner submits that his client was in fact in love with the victim. Admittedly the victim was 14 years of age when she had gone voluntarily with the petitioner. The statement under Section 164 of the Code of Criminal Procedure indicates that the petitioner and the victim girl had physical relations out of their own free will and they had also got married.

The complainant has further stated that since after marriage they had stayed in a hotel. At no point of time there was any force or duress or coercion alleged by the victim against the petitioner.

Since the petitioner is in custody for more than 250 days and charge sheet has already been filed, there is no need for custodial detention of the petitioner.

Hence, the petitioner shall be enlarged on bail upon furnishing 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 Additional Sessions Judge, 1st Court, Special Court at Kakdwip, subject to condition that the petitioner shall appear

before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the investigating officer and if he do not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioner fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)