

30.06.2021
Item no.82
Court No.28
S.De

(Bail Rejected)

(Via Video Conference)

CRM 3019 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Domjur P.S. Case No.353/2020 dated 30.07.2020 under Sections 363/365/376(3) of the Indian Penal Code and adding Section 6 of POCSO Act, corresponding T.R. No.104 of 2020.

and

In the matter of : Anowar Shikari.

.....Petitioner

Mr. Ayana Dey, Advocate,

.....for the Petitioner.

Mr. Saswata Gopal Mukherji, Ld. Public Prosecutor,

Mr. Anwar Hossain, Advocate,

Mrs. Manasi Roy, Advocate,

.....for the State.

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Learned advocate for the petitioner submits that he has been falsely implicated in this case in consequence of a love relationship. It is further submitted that the petitioner already got the victim married, and now has been leading conjugal life peacefully. Charge-sheet having submitted already, further detention of petitioner is unnecessary.

Learned advocate for the State raises objection drawing our attention to the statement of victim girl, recorded under Section 164 of the Code of Criminal Procedure. In order to

enforce objection, learned advocate for the petitioner submits that the victim, a fourteen year old girl has not yet reached the age of discretion, and such marriage should not be taken in view giving an approval to it.

Indisputably, the copy of police papers relied upon by prosecution has already been supplied to the petitioner, and the case is ready for commitment. Though, the petitioner got the victim married but the victim has not yet reached her age of discretion. Bearing in mind the age of the victim, we are not inclined to grant bail to the petitioner at this stage.

However, learned Court below is directed to make the commitment of this case within a fortnight, and the learned Trial Judge while conducting the trial shall allow the victim to be examined first giving a precedence to her. If any prayer for bail is made subsequent to the examination of victim, that may be disposed of in accordance with the provision of law.

Such exercise must be made within one month from the date of commitment.

Accordingly, the prayer for bail is rejected.

The application being CRM 3019 of 2021 is, accordingly, dismissed.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)