

CRM 4586 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No.370 of 2020 dated 12-10-2020 under Sections 363/365/366/376(2) of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 9 of the Prohibition of Child Marriage Act, 2006.

- A n d -

In the matter of : Sk. Arman @ Mirza @ Miraz @ Miraj
.... Petitioner.

Mr. Avik Ghatak,
Mr. Saibal Kumar Dasgupta

... For the Petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Md. Kutub Uddin

... For the State.

Leave is granted to learned advocate for the petitioner to correct the spelling of the nickname of the petitioner in the cause title.

The petitioner is one of the five accused persons. Two of the co-accused persons have been granted anticipatory bail by this Court by order dated January 19, 2021 passed in CRM 237 of 2021. Two other accused persons have been granted bail by the learned trial Court.

The petitioner says that the victim girl, who was about sixteen and half years old at the time of the incident, called him on phone and asked him to take her away from the parental house as her parents were trying to get her married to some boy whom she did not want to marry. There was a previous relationship between the victim and the petitioner. The petitioner and the victim have since married.

We have seen the statement of the victim girl. The statement corroborates the submission made on behalf of the petitioner before us. Whether or not the petitioner is guilty of being a party to a child marriage will be decided at the trial, since Section 9 of the Prohibition of Child Marriage Act, 2006 has also been pressed into service.

The victim girl has refused to subject herself to medical examination. Naturally so, as she has an amorous relationship with the petitioner.

On an overall assessment of the facts and circumstances of the case and the material on record and given the fact that charge-sheet has been submitted and that the petitioner has been in custody for about eight months, we are of the view that further custodial detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Arambagh. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM 4586 of 2021 is,
thus, **allowed**.

All parties shall act on the server copies of this order
duly downloaded from the official *website* of this Court.

(**Suvra Ghosh, J.**)

(**Arijit Banerjee, J.**)