

01.11.2021
Item No.03
Ct. No. 08
Sdas, AJ.

Allowed

**C.R.M. 5610 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dholahat Police Station Case No. 41 of 2021 dated 28.01.2021 under Section 4 of the Protection of Children from Sexual Offences Act read with Sections 363/365/376 of the Indian Penal Code.

And

In Re : Karim Khan.

..... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Sreejeet Basu Roy.

.....for the petitioner

Mr. Pawan Kumar Gupta,
Mr. Kausik Chatterjee,
Ms. Sofia Nesar,
Mr. Santanu Sett.

.....for the de-facto complainant.

Mr. Swapan Banerjee,
Mr. Suman De.

....for the State

The petitioner is in custody for last 175 days in connection with an offence alleged under Section 4 of the Protection of Children from Sexual Offences Act read with Sections 363/365/376 of the Indian Penal Code.

It is submitted on behalf of the petitioner that this is for the first time that the petitioner has approached this Court for grant of bail and there has been no rejection of any kind of prayer for bail by a co-ordinate Bench of this Hon'ble Court.

Mr. Gupta, learned advocate appearing on behalf of the de-facto complainant has entered appearance and submits that

that the victim girl was in love with the petitioner and they had entered into marriage as reflected from a copy of Nikahanama placed in Court today.

It would appear from the case diary that the victim girl is aged 17 years 9 months at present. The de-facto complainant, on the other hand, has no objection, but we are of the view that the case relates to an offence under Section 4 of the Protection of Children from Sexual Offences Act.

However, considering the submissions made on behalf of the petitioner, the de-facto complainant and the State and bearing in mind the social fabric, we are inclined to allow the petitioner to release on interim bail upon furnishing a bond of Rs. 5,000/- (Rupees Five thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip 24-Parganas (South), subject to the condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. The interim bail shall continue for a period of six months from date or until further orders, whichever is earlier.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his interim bail automatically without further reference to this court.

Liberty to mention.

Copy of the Nikahanama filed in Court today be kept with the record.

All parties shall act in terms of copy of this order downloaded from the Official Website of this Hon'ble Court.

(Ananda Kumar Mukherjee, J.)

(Shivakant Prasad, J.)