

08.03.2022

Sl. No. 06

Srimanta

Ct.No.42

CRM(SB)/37/2022

(Via Video Conference)

In Re : An application for bail under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Khanakul** Police Station Case No. **43/2022** dated **28.01.2022** under Sections **363/365** of the Indian Penal Code, 1860.

In the matter of : **Subrata Malik**

...appellant.

Mr. Niladri Sekhar Ghosh, Adv.,
Mr. Sampurna Chatterjee, Adv.

...for the appellant.

Mr. Binay Panda, Adv.,
Mrs. Puspita Saha, Adv.

...for the State.

The accused is in custody for 39 days in connection with Khanakul Police Station Case No. 43/2022 under Sections 363/365/366 of the Indian Penal Code.

Learned Advocate for the accused/petitioner submits that there was a love relationship between the victim girl and the present petitioner. They voluntarily went away and the parents of the petitioner gave marriage of the petitioner with the victim girl.

It is true that the victim girl is aged about 17 years. Though she is minor, she has attained the age of discretion where she knows the effect of marriage during minority.

From the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure I find that she was not kidnapped or enticed by the accused to go away from the lawful custody of her natural guardian.

Considering such aspect of the matter, though the Learned Public Prosecutor-in-Charge has raised objection against the prayer for bail, I am inclined to release the petitioner on bail. The petitioner is enlarged on bail of Rs.10,000/-(Rupees Ten Thousand) with one surety of like amount to the satisfaction of the Learned Additional Chief Judicial Magistrate, Arambag with further condition that during investigation of the case he shall attend the jurisdictional Police Station once in a fortnight and shall also file an affidavit stating his residential address and mobile phone number so that he may be tracked during investigation of the case. If he violates any of the above conditions, the order of bail shall be cancelled without further reference to this Bench.

(Bibek Chaudhuri, J.)