

16.02.2022
Item no.237
Court No.32
Avijit Mitra

C.R.M. 7813 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Deganga Police Station Case No.455 of 2021 dated 11.08.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of Protection of Children from Sexual Offences Act, 2012;
And

In Re : Alinoor Gazi @ Alinur Gazi

.... petitioner

Mr. Sekhar Barman

....for the petitioner

Mr. Debabrata Chatterjee

Ms. Sonali Das

...for the State

Mr. Barman, learned lawyer for the petitioner submitted that the present petitioner and the victim girl have married each other and the victim is living at her matrimonial home. They are blessed with a son who is also aged about 3 months. There is no justification in keeping the present petitioner in custody. Therefore, he prays for bail.

Per contra, Ms. Das, learned lawyer appearing for the State submitted a number of reports wherein it was stated that the marriage took place before a Moulabi who is not a certified Muslim Marriage Registrar. Therefore, the certificate of marriage produced is not valid. She also submitted a report of the Inspector-in-Charge of Deganga Police Station which states that the victim lives happily at her matrimonial home. This appears from the statement of the

mother of the victim girl. Let a copy of the report, as produced, be kept with the record.

We have heard the rival submissions and perused the case diary. On perusal of materials on record and submissions of the learned lawyers for the parties and considering the custodial detention of 132 days of the petitioner, we are inclined to enlarge the petitioner on bail.

Accordingly, we allow this application and direct that the petitioner, namely, **Alinoor Gazi @ Alinur Gazi**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Barasat, North 24 Parganas .

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.7813 of 2021, is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

