

22.08.2023
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sdas
rejected

C.R.M.(DB) No. 2956 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Joynagar Police Station Case No. 634 of 2022 dated 04.11.2022 under Sections 363/365/376(23)(j)/376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Abu Syad Mondal petitioner

Mr. Sabir Ahmed
Mr. Sandip Kumar Mondal
Mr. T. Ahmed
Ms. Suman Biswas
Mr. Soham Chakraborty
Mr. R. Banerjee
....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharyya
..... for the State

Mr. Soham Banerjee
..... for de facto complainant

1.Learned Counsel for the petitioner submits there was a romantic relationship between him and the minor girl. They had married under Islamic Law. He relies on the marriage certificate. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits minor victim claimed that she was forcibly raped.

3. We have considered the materials on record including the evidence of the minor. Minor victim denied the suggestion that she had entered into matrimony with the petitioner. She claimed her signature was forcibly obtained. It is also relevant to note that

she was not confronted with the so-called marriage certificate during cross-examination. In view of the aforesaid circumstances and nature of offence, we are of the opinion this is not a fit case to grant bail to the petitioner.

4. The application for bail is, thus, rejected.

5. Trial court is directed to conduct the trial with utmost expedition and conclude the same at an early date preferably within six months from the next date fixed of recording evidence without granting unnecessary adjournment to either of the parties.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)