

Sessions Case (Spl) 81 of 2023

Order No. 04

Dated : 19.10.2023

As the record goes to show that today is fixed for hearing of the bail application filed on behalf of the accused person Achintya Mal.

The accused Achintya Mal today is produced from J/C as per previous direction.

Today his bail application as above is taken up for consideration in the presence of both sides.

The learned advocate appearing for the accused/petitioner while praying for bail submitted before the court that when the alleged offence is said to have been committed the age of the victim was sixteen (16) years and it was a case of voluntary elopement between the accused and the victim girl. Considering the above aspect, the learned advocate for him prays for his bail at any terms and conditions.

It is further submitted by the learned advocate for the accused/petitioner that no bail application of the accused/petitioner is pending before any higher court nor there has been a rejection of his bail application therefrom.

Ld. Special P.P raised objection against the above prayer for bail of the accused/petitioner at this stage citing the reason of the nature of the case against him.

After having heard both sides accordingly, I have carefully perused the nature of the case against the accused/petitioner. While considering his bail application I have carefully perused the statement of the victim girl as recorded u/s 164 of Cr.P.C which on perusal is found to be exonerative one as against the accused/petitioner. In that statement the victim embraced the accused as her husband. Now while considering the above statement I have carefully perused the seizure-list by which the birth certificate of the victim has been seized wherefrom it appears that the date of birth of the victim girl is 18.04.2006 and if the same be taken, the age of the victim at the time of incident was sixteen years and nine months around.

Now, considering the above age of the victim and keeping in view of the statement of the victim as recorded u/s 164 of Cr.P.C, this court is of the view that the prayer for bail of the accused/petitioner Achintya Mal should be considered and allowed at this stage and accordingly allowed.

Thus, the accused/petitioner namely Achintya Mal may find a bail of Rs. 8,000/- with two sureties of Rs. 4,000/- each to the satisfaction of Ld. A.C.J.M, Chandannagar along with condition that after being enlarged on bail he shall meet the investigating officer once in a fortnight for a period of three months or till investigation is over whichever is earlier.

If he is not on bail on the above terms, he be further produced before this court on 17.11.2023.

C.D is returned.

Let a copy of this order be sent to the learned A.C.J.M., Chandernagore for information for taking necessary action as well as a copy of this order be sent to the I.O of this case informing him about the condition of bail as imposed upon the accused/petitioner.

D & C by me,

Sd/-

Additional Sessions Judge
Chandernagore

Sd/-

Additional Sessions Judge
Chandernagore