

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

Special Case No.214/2023

CNR – WBSP01-010294-2023

Ref.: Kalitala Ashuti PS Case no: 97/2023 Dated :13.05.2023

U/s 363/365/376(2)(n) of I.P.C read with Sec 06 of the Protection of Children from Sexual
Offence Act

Present :Sudipta Bhattacharjee (JO Code - WB00794)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.
State Vs. Imtiyaz Sah

Order No.07

Dt.11.08.2023

Accused **Md. Imtiyaz Sah (21 years)** is produced from J.C through VCS.

A bail petition has been filed on behalf of the accused person.

Heard. both sides.

Ld. Advocate for the accused submitted that there were marriage in between accused and the victim girl at Delhi and the I.O collected the report. He is in custody for a considerable time. He further submitted that no bail prayer is either pending or rejected by any superior court. Thus he prayed for bail on any condition.

Ld. Special P.P raised objection.

Defacto complainant appeared before this Court and also raised objection to the bail prayer of the accused.

I.O is also present in the Court. According to him this accused is resident of Bihar.

Perused the C.D and materials on record including the statement of the victim recorded by the Magistrate u/s 164 of Cr.P.C.

It appears from the case record that victim girl is pregnant. At the time of hearing defacto complainant produced a copy of Order of the Hon'ble High Court stating that when the girl was missing defacto complainant lodged one Habeas Corpus before the Hon'ble High Court on the ground that investigation was not properly conducted. Subsequently police was recovered from Delhi. It reveals that victim girl is pregnant and there is termination order passed by the CWC. Investigation is going on. At this stage I am not inclined to enlarge this accused on bail. Accordingly bail petition of this accused stands rejected.

At this stage, I.O has made prayer for adding section 09 of Prohibition of Child Marriage Act against accused Imtiyaz Shan alongwith other section of law.

Heard learned Special P.P-in-Charge.

Prayer of the I.O is allowed.

Let the section 09 of Prohibition of Child Marriage Act be added alongwith other section of law.

To **25.08.2023** for production of accused and I.O's report.

I/O is directed to inform the defacto complainant on the date fixed.

D/c by me.

Sd/- Sudipta Bhattacharjee
Judge, Special Court &
2nd A.S.J., Alipore.

Sd/- Sudipta Bhattacharjee
Judge, Special Court &
2nd A.S.J., Alipore.