

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.15

Dt.25.09.2023

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 it is adolescent love affair between accused and victim. They have married each other. He pointed that a Nikahnama is made between the party at Delhi. There is no sexual intent and criminal intent between them. Charge sheet has already been submitted. Thus he prayed for bail on any condition.

Ld. Special P.P raised objection.

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 that the victim girl is aged about 15 years and there was love affair between victim and the accused. Children aged above 16 years or near 18 years is at threshold of adult and often engaged in romantic relationship and sexual behaviour of their own will. The accused (21 years) also fell in the romantic affair with the victim girl who is aged about 15 years. Charge sheet has already been submitted. The accused is in custody for a considerable period. Considering all facts and circumstances and having regard the submission of both sides I am inclined to grant bail to this accused.

Accordingly, accused person namely **Md. Imtiyaz Sah** may find bail of Rs.5,000/-(rupees five thousands only) with two surety of Rs.2500/- (rupees two thousands five hundred only) (rupees one thousand) each subject to satisfaction of learned C.J.M Alipore with condition that the accused person shall meet the I.O once in the fortnight till further order i.d to J.C till 09.10.2023.

If on bail to 09.10.2023 for appearance of accused person and consideration of charge.

D/c by me.

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

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