

(2024) 01 TP CK 0021

Tripura High Court- Agartala

Case No: Bail Application 2 Of 2024

Amar Paul

APPELLANT

Vs

Akash Paul

RESPONDENT

Date of Decision: Jan. 19, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 109, 307, 325, 376(n), 498(A)
- Protection Of Children From Sexual Offences Act, 2012 - Section 6
- Child Marriage Act, 2023 - Section 10, 11

Hon'ble Judges: Arindam Lodh, J

Bench: Single Bench

Advocate: Subrata Sarkar, S. Debnath

Final Decision: Allowed

Judgement

Arindam Lodh, J

Heard Mr. Subrata Sarkar, learned senior counsel assisted by Ms. N. Debbarma, learned counsel appearing for the accused-applicant. Also heard Mr. S. Debnath, learned Addl. P.P. appearing for the respondent-State.

Accused-applicant has been arrested in connection with R.K. Pur (Women) P.S. Case No.63 of 2023 registered under Sections 498(A)/325/109 of the IPC and added Sections 307/376(n) of IPC read with Section 6 of POCSO Act and Sections 10 & 11 of Child Marriage Act, corresponding to Special (POCSO) 23 of 2023 pending in the Court of learned Special Judge, Gomati Judicial District, Udaipur.

One Sima Das (Chakraborty) had lodged a complaint on 08.09.2023 against the accused-applicant to the Officer in-Charge R.K. Pur (Women) P.S, Gomati District, Tripura stating **inter alia** that her daughter had socially married to accused-applicant, namely Sri. Akash Paul on 08.12.2022. Since their marriage, they were living their conjugal life happily and peacefully, but after few days it is alleged that with the ill advice of mother-in-law, the accused-applicant started to torture the victim girl on demand of money and gold ornaments to be brought from her parental home. It is further alleged that on last 06.09.2023, in the evening at about 4:00 p.m., both the accused-applicant and his mother restrained the daughter of the complainant in a class room and assaulted her by fist, kick and blows on her person for which she sustained injuries, and demanded Rs.1.00 lakh which she had to bring from her parental house. Subsequently, the victim girl had taken shelter in her parental house.

It is seen from the records that the girl is minor and the boy is aged about 20 years. The solemnization of their marriage had taken place by observing the Hindu rites and

customs.

In my opinion, this is the beginning of their marital life. As such there is every chance of amicable settlement of the issues raised in the complaint. In addition, the accused-applicant has been in custody since 24.09.2023.

Considering the various aspects of married life between the victim girl and the accused-applicant, I am inclined to release the accused-applicant on bail in connection with R. K. Pur (Women) P.S. Case No.63 of 2023.

According, accused-applicant, namely, Akash Paul is directed to be released on bail on furnish a bail bond of Rs.25,000/- (Rupees twenty five thousand) with one surety of like amount to the satisfaction of the learned Special Judge, Gomati Judicial District, Udaipur.

In terms of above, the bail application is accordingly allowed and thus disposed of.