

27.11.2024
SL No.36
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 573 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **06.11.2024** in connection with **Naxalbari** P.S. Case No. **208/2024** dated **26.08.2024** under Sections 341/323/354/380/498A/494/506/509 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3/4 of the Dowry Prohibition Act, 1961 and Sections 9/10 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: **Chitro Singha**

....Petitioner

Mr. Hillol Saha Podder

...for the petitioner

Mr. Sourav Ganguly,
Mr. Chattu Roy

...for the State

Ms. Mousumi Das

...for the de facto complainant

The petitioner has been in custody for 129 days.

The facts are little peculiar. The de facto complainant was a minor in 2014 when the marriage took place. The marriage was subsequent to a love affair which developed between the petitioner and the de facto complainant. Sometime in 2024, the complaint was lodged after 10 years of marriage on various allegations including Section 498A of the IPC, Section 6 of the POCSO Act, Sections 3 and 4 of the Dowry Prohibition Act and Section 9 and 10 of the Prohibition of Child Marriage Act, 2006.

Learned Advocate for the de facto complainant appears before this Court and submits that the de facto complainant has instructed her not to oppose the prayer for bail although the parties reside separately. There is a child from the marriage.

The factual aspects which have been submitted by the petitioner are also available in the case diary. The charge-sheet has already been submitted.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount each, to the satisfaction of the learned Special Court under POCSO Act, Siliguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)