

27.11.2024
SL No.37
srm/Mujahid
(Allowed)

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

C.R.M. (DB) 575 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 **04.11.2024** in connection with **Phansidewa** P.S. Case No. **188/2024** dated **29.05.2024** under Sections 498A/420 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and read with Section 3 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Md Sohidullah**

....Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul

...for the petitioner

Mr. Ujjwal Luksom,
Ms. Sukanya Adhikary

...for the State

The petitioner has been in custody for 174 days. The petitioner is the husband of the victim and tied the knot sometime in 2024 pursuant to a prolonged love affair.

The learned Advocate for the State hands over the case diary. We have perused the statement of the victim under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S. and we find that the victim has stated that she wants to live with her husband and her in-laws. She does not have any allegation against the husband. The victim also refused to

undertake a medico legal examination. Investigation is over and charge-sheet has been submitted.

Considering these aspects, we are of the view that the petitioner should 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 Judge under POCSO Act, Siliguri, Darjeeling. The petitioner will attend the learned trial court on the date to be 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.

However, the observations are only for the purpose of disposal of this application.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)