

04.12.2024  
SL No.34  
srm/Mujahid  
(Allowed)

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

**C.R.M. (DB) 662 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 **29.11.2024** in connection with **Matigara** P.S. Case No. **498/2024** dated **23.08.2024** under Sections 137(2)/140(3)/351(2)/3(5) of B.N.S. read with Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Child Marriage Act.

And

In the matter of: **Gourav Roy**

....Petitioner

Ms. Rima Sarkar

...for the petitioner

Mr. Tapan Bhattacharjee,  
Mr. Kallol Nag

...for the State

Ms. Suparna Paul

...for the de facto complainant

The petitioner prays for bail. The petitioner is in custody for 80 days. Investigation is complete. Based on an FIR lodged by the mother of the victim, the case has been registered. The petitioner submits that the charge-sheet has been submitted and further detention of the petitioner will negatively impact his marital life.

The de facto complainant is present before the Court. The learned Advocate for the de facto complainant submits that there was a love affair between the petitioner and the victim and they tied the knot and started leading a conjugal life. She

submits that the victim is expecting. The de facto complainant does not oppose to the prayer for bail.

Considering the materials on record and considering the above circumstances as also the fact that the investigation is complete, we are inclined to grant bail to the petitioner. The prayer for bail is allowed.

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 Judge under POCSO Act, Siliguri. The petitioner will attend the learned trial court on the dates fixed.

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.)**