

284. 25.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 189 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Swarupnagar** Police Station Case No. **238/2024** dated **28.4.2024** under Sections **498A/376(2)(n)/306/304B/34** of the Indian Penal Code, 1860, read with Section 6 of POCSO Act, 2012 and Section 9/10/11 of Prohibition of Child Marriage Act. POCSO (Spl) No. 36/2024.

And

In the matter of: - **MIYARAJ MONDAL**

...petitioner.

Mr. Kallol Kr. Basu
Mr. Md. Jannat ul Firdous

...for the petitioner.

Mr. Saibal Bapuli, APP
Mr. Atulya Sinha

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State in Court today be kept with the records. We see that the *de facto* complainant/victim has received notice of this bail application, however, nobody appears for them.
2. Status report filed by the State be also kept with the records
3. The petitioner says that he has been falsely implicated in this case. The victim being his wife, committed suicide. He has no role to play in such death of his wife. He is in custody for 10 months. Investigation is complete. Charge-sheet has been submitted. His further custodial detention is unnecessary. He prays for bail.

4. While opposing the prayer for bail, learned Additional Public Prosecutor shows us the statement of the victim girl's mother recorded under Section 164 of the Criminal Procedure Code, 1973. She said that her daughter was 16 years of age when her marriage took place with the petitioner. There is general allegation of mental and physical torture by the petitioner on the victim girl.
5. We have also seen the post mortem report which says that the death is due to hanging, ante mortem in nature.
6. On a *prima facie* assessment of the material on record and the possible extent of complicity of the petitioner in the alleged crime, we are of the view that further custodial detention of the petitioner is not necessary. Hence, we allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **MIYARAJ MONDAL**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Basirhat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (DB) 189 of 2025 is accordingly disposed of.
10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)