

13.03.2025
Item no. 56.
Court No.29.
AB
(Allowed)

CRM (DB) 641 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mongalkote Police Station Case No.306 of 2024 Dated 23.11.2024 under Section 64(1)/61(2)/351(2) of the B.N.S. 2023 read with Section 6 of the POCSO Act

And

In the matter of : Husband of the Victim Girl

.....Petitioner.

Mr. Biswajit Hazra,
Mr. Archisman Sain,
Mr. Arif Mohammad Khan,
Sk. Nadeem Ahmed

.....for the Petitioner.

Ms. Minoti Gomes,
Ms. Sanjida Sultana

.....for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner says that he has been falsely implicated. The fact is that he was invited to the house of the victim and there the victim's mother persuaded him to get married to the victim girl by representing that the victim girl was 18 years of age. The Aadhaar Card of the victim girl was shown to the petitioner to convince him that she was of marriageable age. However, later, it transpired that she is a minor. This false complaint has been lodged as a preemptive measure. Investigation is

complete. He is in custody for 111 days. He prays for bail.

3. Learned State Advocate, while opposing the bail prayer, draws our attention to the statements of independent witnesses as also the victim girl recorded under Sections 180/183 B.N.S.S. 2023. The independent witnesses prima facie support the petitioner's stand. We do not want to make any comment on the credibility of the victim girl's statement recorded under Section 183 B.N.S.S. 2023. In the medical examination report, nothing significant is found.
4. On an overall assessment of the material on record and considering that investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **Husband of the victim girl** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act at Katwa, Purba Bardhaman, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall report to the Officer in charge of the concerned police station once in a week until further orders.

6. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)