

25.03.2025
Item no.43.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 711 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Haringhata Police Station Case No. 563 of 2024** dated **26.10.2024** under **Section 9** of the Prohibition of Child Marriage Act, & **Section 6** of the Protection of Children from Sexual Offences Act (POCSO), 2012 and.

And

In the matter of : Tanmoy Mondal. Petitioner.

Ms. Minoti Gomes, for the Petitioner.

Ms. Zareen Nasima Khan, Sr. Govt. Adv.,
Mr. Ratul Ghosh, for the State.

Ms. Shanta Sarkar, ...for the de facto complainant/victim.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was a deep love relationship between him and the victim girl. They even got married. This false complaint has been filed by the father of the victim girl who did not approve of the relationship between the petitioner and the victim girl. He is in custody for 4 months. Investigation is complete. He prays for bail.
2. Appearing for the de facto complainant, learned advocate says, on instruction, that she is not opposing the prayer for bail.
3. Learned State advocate, while opposing the prayer for bail, draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. (Section 183 of B.N.S.S.). She corroborates the submission made on behalf of the petitioner before us.

4. In view of the aforesaid, we see no justification in keeping the petitioner in judicial custody any further.
5. Accordingly, we direct that the petitioner, namely, **Tanmoy Mondal** 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 POCSO Act), Kalyani, Nadia, subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station except for the purpose of attending court proceedings and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
1. 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 in any manner whatsoever.
2. 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.
3. The application for bail is, accordingly, allowed.
4. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)