

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 796 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Haringhata** Police Station Case No.**563/2024** dated **26.10.2024** under Section **9** of the Child Marriage Act & Section 6 of the POCSO Act, 2012.

And

In the matter of: - **XXXX.**

...petitioner.

Mr. Sumanta Das,
Mr. Avilash Tripathi

...for the petitioner.

Mr. Tanbir Mandal

...for the *de-facto*.

Mr. Kunal Ganguly

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was not only a love affair between him and the victim girl, they, in fact, got married. The victim girl is pregnant. This is the ninth month of her pregnancy. The families of the petitioner and the victim girl have accepted their relationship. In the interest of welfare of the two families, bail should be granted since the victim girl is expected to deliver a baby very soon.
2. Learned advocate appearing for the victim girl says that he has instructions not to oppose this application for bail.

3. Learned advocate for the State, while opposing the prayer for bail, in his usual fairness, leaves the matter to the discretion of the Court.
4. We are conscious that under the Prohibition of Child Marriage Act, the marriage between the petitioner and the victim girl may not be recognized in the eye of law. However, we are not standing in the way of the petitioner being convicted if he has acted in contravention of law.
5. On an overall assessment of the facts and circumstances of the cases and keeping in mind the principles that govern the grant of bail, we are of the view that there is no justifiable reason to detain this petitioner in judicial custody any further.
6. Accordingly, we **allow** the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner 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 learned *Additional Sessions Judge, Special POCSO Court, Kalyani, Nadia*. 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 the 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 comply with any of the conditions stipulated above, the trial Court shall be at liberty to

cancel the bail in accordance with law without further reference to this court.

9. The application for bail being CRM (DB) 796 of 2025 is, thus, disposed of.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

11. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)