

25.04.2025

Sl No.37

Ct. No.39

SS

(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 900 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of
the Code of Criminal Procedure, 1973 in connection with Lalgarh
Police Station Case No.82 of 2024 dated 05.08.2024 under
Sections 85/103(1)/80(2)/49/238 of Bharatiya Nyaya
Sanhita, 2023 and adding Section 04/06 of the Protection of
Children from Sexual Offences Act and Sections 9/10 of the
Prohibition of the Child Marriage Act, 2006.

And

In Re : XXX

.....Petitioner

Mr. Sabir Ahmed
Mr. Ayan Chakraborty
Ms. Sohini Mukherjee
Mr. Dhiman Banerjee

.....for the Petitioner

Mr. Soumik Ganguli
Ms. Sreelekha Chatterjee

.....for the State

Ms. Tannistha Bandyopadhyay

... for the *de facto* complainant

Affidavit of service filed on behalf of the petitioner is taken
on record.

Learned Advocate for the petitioner submits that the
victim and the petitioner was married. The victim died due to
hanging. The petitioner and his family members rushed the
victim to the hospital. There is no such allegation of
continuous torture. Since the victim, at the time of incident,
was 19 years of age, the offence under the POCSO Act is not
attracted. The petitioner is in custody for last 8 months and
after completion of investigation charge-sheet has been
submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the statement of the witnesses clearly indicate torture upon the victim by the petitioner. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer of bail application.

Perused the case diary and the materials on record.

The victim died by hanging. The petitioner is the husband of the victim. Although there are allegations of assault and torture in the matrimonial home but those appear to be general and omnibus. Upon completion of investigation, charge-sheet has been submitted in this case. The petitioner is in custody for last 8 months. Considering the above, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner 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 a local, to the satisfaction of the learned Judge, Special Court, POCSO Act, Jhargram subject to condition that the petitioner shall appear before the learned Trial Court on each and every day 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.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial

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

Accordingly, the application for bail being **CRM (DB) 900 of 2025** is disposed of.

(Bivas Pattanayak, J.)