

22.04.2025
Item No.06.
Daily List
Court No.39
Mithun
(Rejected)

CRM (M) 20 of 2025

In re : An Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.216 of 2024 arising out of Gazole Police Station Case No.1033 of 2024 dated 17.11.2024 under Sections 85/80/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 read with Section 6 of the Protection of Children from Sexual Offences Act subsequently charge-sheeted under Sections 85/80/107/65(1) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 read with Sections 6/17 of the Protection of Children from Sexual Offences Act.

-And-

In the matter of : XXXXXX @ XXXX

... Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Akash Sarkar

...for the petitioner

Mr. Arijit Ganguly,
Mr. R. Jana

... ...For the State

Service report filed by the State is taken on record.

It is found that service has been effected upon the *de facto* complainant/victim.

Learned Advocate for the petitioner submits that admittedly the victim at the time of incident was 16 years of age. Be that as it may, there are no such statements of the victim made before the attending doctor or subsequent to her treatment alleging of any torture on demand of dowry by the petitioner.

The victim was at first admitted in the month of October, 2024 to get rid of the poison consumed by her and was discharged after 7 days. However, she expired in the month of November, 2024. The death of the victim cannot be attributed to any overt action of the petitioner. The petitioner is in custody for 160 days. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the petitioner married the deceased- victim when she was 16 years of age in utter violation of the provision of Child Marriage Act. Further, there are allegations of torture in the matrimonial home by this petitioner upon the victim which led to consumption of poison by her and ultimately death of the deceased-victim. He seeks for dismissal of the bail application.

Perused the case diary and materials on record.

From the statement of the witnesses recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, it is found that this petitioner entered into marital tie with the victim-deceased when she was 15 years of age. There are also allegations against the petitioner of inflicting physical and mental torture upon the victim. The victim was admitted to the hospital on 23rd October, 2024 with paraquat poisoning and discharged on 30th October, 2024. The Post-Mortem report suggests that the death of the victim was due to the effects of poisoning which is ante-mortem in nature. Considering the above materials and nature and gravity of the offence, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is rejected.

The application for bail being **CRM(M) 20 of 2025** stands dismissed.

(Bivas Pattanayak, J.)