

23.04.2025

Sl No.13

Ct. No.39

ss

(Allowed)

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

**CRM (M) 126 of 2025**

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chakdah Police Station Case No.1452 of 2024 dated 21.12.2024 under Sections 85/80/107 of Bharatiya Nyaya Sanhita, 2023 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the Protection of Children From Sexual Offences Act, 2012.

And

**In Re : XXX**

.....Petitioner

Mr. Shibaji Kr. Das  
Mr. Kaushal Kumar

.....for the Petitioner

Ms. Baisali Basu  
Ms. Srilekha Chatterjee

.....for the State

Mr. Samrat Choudhury

... 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 married the petitioner out of love affair between them and she started residing in the matrimonial home. There are no such materials to attract the offence under POCSO Act. The victim committed suicide by hanging after 7 months of marriage. The petitioner is in custody for 123 days. Further upon completion of investigation charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail learned Advocate for the State submits that there are allegations against the petitioner of torturing the victim on demand of dowry resulting in commissioning of suicide by her. The petitioner has also violated the provisions of Child Marriage Act. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

Admittedly, the victim, who was aged about 17 years, left with the petitioner and they were married. The allegation made by the witness of demand of dowry by the petitioner in their statement is general and omnibus. The consequence of violation of provisions of Child Marriage Act is to be examined on trial. Upon completion of investigation charge-sheet has already been submitted. The petitioner is in custody for 123 days. 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 under POCSO Act, Kalyani, Nadia. 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 (M) 126 of 2025** is disposed of.

**(Bivas Pattanayak, J.)**