

08.05.2025
Item No.5(DL)
Court No.39
srm

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

C.R.M.(M) 168 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case 216 of 2024 arising out of Gazole Police Station Case No.1033 of 2024 dated 17.11.2024 under Sections 80/85/107/65(1) of the Bharatiya Nyaya Sanhita and under 9/10/11 of Prohibition of Child Marriage Act and under Sections 6 and 17 of the Protection of Children from Sexual Offences Act thereby rejecting the prayer for bail made on behalf of the petitioner and remanded the Jail Custody.

-And-

In the matter of : Khagendranath Mandal

... Petitioner

Mr. S.K. Das,
Mr. Sujan Chatterjee,
Mr. Rohan Bavishi

...for the Petitioner.

Mr. S.S.Imam,
Ms. Snigdha Saha

... ...for the State.

Mr. Navanil De

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the petitioner is a co-villager. The victim committed suicide within eight months of marriage. No incriminating materials could be attributed to the petitioner in the death of the victim by suicide. In-laws have been granted bail. After completion of investigation, charge sheet has been submitted in this case and the petitioner is in custody for 58 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that the petitioner took active role in the marriage of the minor with the principle accused one Subhankar, which resulted in commission of suicide by the victim. He 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.

The brother of the victim and other witnesses stated in their statements under 161 of the Cr.P.C. that this petitioner took the responsibility of the marriage between the victim and one Subhankar. The victim died due to effects of poisoning. The aspect whether the death of the victim was due to the act of the petitioner may be assessed and examined in trial. Upon completion of investigation, charge sheet has already been submitted and the petitioner is in custody for 58 days. In view of the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Khagendranath Mandal**, 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 the POCSO Act-cum-ADJ, 2nd Court, Malda subject to the condition that the petitioner shall appear before the learned Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (M) 168 of 2025** is disposed of.

(Bivas Pattanayak, J.)