

29.04.2025
Item No.11.
Daily List
Court No.39
Mithun
(Rejected)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (M) 235 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973/ correspondence under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Duttapukur Police Station Case No.878 of 2023 dated 28.08.2023 under Sections 376(2)(n)/120B/34 of the Indian Penal Code and Section 6 of POCSO Act and 9/10 of Child Marriage Act, now numbered as S.T. No.04(02) of 2024, Special Case No.142 of 2023.

-And-

In the matter of : XYZ

... Petitioner

Mr. Debasis Kar

...for the petitioner

Mr. Saibal Bapuli,
Mr. Kaustav Banerjee

... ...for the State

Affidavit-of-service filed on behalf of the petitioner is taken on record. It is found that service has been effected upon the *de facto* complainant.

Learned Advocate for the petitioner submits that the petitioner and the victim married out of love affairs. There are no incriminating materials against the petitioner and the medical has been refused by the victim. The petitioner is in custody for more than 2 years. 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 victim clearly

implicates the petitioner of forcible physical relationship, resulting in her pregnancy. Previously, similar grounds were taken by the petitioner and upon consideration, the bail prayer of the petitioner was rejected by this Hon'ble Court. The prosecution has already examined 8 out of 11 witnesses and rest 3 are scheduled to be examined on 21st May, 2025. He seeks for dismissal of the bail application.

Despite service, none appears on behalf of the *de facto* complainant.

Perused the Case Diary and materials on record.

The statement of the victim as well as her deposition in Court implicates the petitioner of forcibly taking her away and marrying her and also of forcibly entering into physical relationship with the victim which has resulted in her pregnancy. 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) 235 of 2025** stands dismissed.

It is informed by the State that remaining 3 witnesses left to be examined on behalf of the prosecution is scheduled on 21st May, 2025.

Learned Trial Court is directed to expedite the trial and conclude the same at an early date.

Parties shall co-operate with the learned trial court in examination of the remaining witnesses.

Parties are at liberty to communicate this order to the learned Trial Court.

(Bivas Pattanayak, J.)