

16.05.2025  
Court No.39  
Item No.06  
(Allowed)

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

**CRM (M) 308 of 2025**

**Ab**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.04.2025 in connection with Lalgarh Police Station Case No. 95 of 2024 dated 16.09.2025 under Sections 363/366/506/323/376(2)(f)(n)(3) of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act;

And

In the matter of : **XXXXXXXXXXXXX.**

**...Petitioner.**

**Mr. Pradip Kumar Roy,  
Mr. Gourav Banerjee.**

**...For the Petitioner.**

**Ms. Sonali Das,  
Ms. Madhumita Basak.**

**...For the State.**

**Mr. Nawal Kishore Chatterjee,  
Mr. Souvik Karmakar,  
Ms. Nabanita Dey.**

**...For the *de facto* complainant.**

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and they were married with the consent of the family members in the year 2022. The victim gave birth to a female child and thereafter the petitioner has been falsely implicated in this case on some frivolous grounds. There are no such complaints lodged before the Police Station earlier contending of kidnapping or of any forcible penetrative sexual assault upon the victim. The complaint has been registered after two years. The petitioner is in custody for 240 days and already the victim and her

mother has been examined. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the statement of the victim before the Magistrate as well as in Court implicates the petitioner. There might be some delay in lodgment of the FIR, but that does not improbabilize the case of the prosecution. However, she concedes to the fact that there were love affairs between the petitioner and the victim. She seeks dismissal of the bail application.

Learned Advocate for the de facto complainant submits that there has been continuous threat from the side of the family members of the petitioner. Furthermore, the mother of the victim being a village lady could not take appropriate steps, which has resulted in delay of lodgment of the FIR. He also seeks dismissal of the bail application.

Peruse the case diary and the materials on record.

The statement of the victim before the Magistrate as well as before the Court indicates that she had a relationship with the petitioner. Marriage between the victim and the petitioner was solemnized on 22<sup>nd</sup> September 2022. A female child has been born out of the said wedlock. There are no complaints lodged since marriage till the victim was driven out on 15<sup>th</sup> February 2024. The victim and her mother (complainant) have already been examined. The petitioner is in custody for 240 days. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

Accordingly, the petitioner be released on bail upon

furnishing a bond of Rs. 10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Jhargram, subject to the 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. The petitioner shall meet the Inspector in-Charge of Lalgah Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of the Lalgah Police Station except for the purpose of attending court proceedings and for reporting to the Inspector in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the Investigating Officer and the Inspector in-Charge of the Police Station under whose jurisdiction he shall presently reside.

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/her bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (M) 308 of 2025** is disposed of.

**(Bivas Pattanayak, J.)**

