

26.06.2025
Item No.19(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 447 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C. Special No.11 of 2024 arising out of Bharatpur Police Station Case No.51 of 2025 dated 03.03.2025 under Sections 109/3(5)/351(3)/64(2)(m)/65 of the Bharatiya Nyaya Sanhita and Section 6 of the Protection of Children from Sexual Offences Act pending before learned Judge, Special Court, POCSO Act, Kandi, Murshidabad;

-And-

In the matter of : XXX

... Petitioner

Mr. Kallol Kumar Basu,
Md. Jannatul Firdous

...for the Petitioner.

Ms. Baishali Basu,
Mr. Rajes Jana

... ...for the State.

Ms. Ankita Dey

...for the *de facto* complainant.

By order dated 21st May, 2025 the State was directed to file report in respect of the authenticity of the documents, namely, Annexure 'A' of the application containing the marriage certificate and birth certificate of the child.

In compliance of the aforesaid order, State has filed the report furnished by the SI of Police, Bharatpur PS, Murshidabad PD which is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and they married each other.

Out of the wedlock one child is born. Thus, prosecution case is primarily not tenable. The petitioner is in custody for 3 months and 22 days and after completion of the investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State submits that the documents, namely, Annexure 'A' containing the marriage certificate and birth certificate of the child as per the report of the SI of Police, Bharatpur PS are authentic and it is also a fact that a child has been born out of the wedlock between the petitioner and the victim.

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.

As per the report of the SI of Police, Bharatpur PS the marriage certificate and the birth certificate namely Annexure 'A' are authentic and it also reveals that a child was born on 23rd May, 2024. The statements of the victim record that she had previous love affairs with the petitioner. After completion of investigation charge sheet has already been submitted and the petitioner is in custody for 3 months and 22 days. In view of the above circumstances, I am inclined to grant bail to the petitioner.

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 Special Court, POCSO Act, Kandi, Murshidabad. The petitioner shall appear before the 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 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) 447 of 2025** is disposed of.

(Bivas Pattanayak, J.)