

20.06.2025
SL No.23
Court No.32
S.Gayen

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

C.R.M.(M) 651 of 2025

In Re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jhargaram Women Police Station Case No. 25 of 2025 dated 12.04.2025 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of the POCSO Act, 2012 and adding Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita read with Section 9 of the Prohibition of Child Marriage Act.

-And-

In the matter of: XXXXXXXX

...Petitioner

Mr. Soumyajit Das Mahapatra
Mr. Sayak Bhadra
Mr. Madhurai Sinha
Ms. Upasana Banerjee

...for the Petitioner

Mr. Iqbal Kabir
Ms. Kanchan Roy

...for the State

1. This instant application has been filed with a prayer for bail.
2. Learned counsel appearing on behalf of the petitioner has submitted that the hospital authority lodged a complaint before the Jhargram Police Station when the victim visited the hospital with her pregnancy.
3. It is further submitted on behalf of the petitioner that the victim girl is the wife of the petitioner and they are married couple.
4. Learned counsel appearing on behalf of the State has submitted that the victim made a statement under Section 183 of BNSS (164 of CrPC) claiming herself to be the wife of the petitioner/accused.

At the same time she has made an argument that at the relevant point of time she was 17 years and her consent cannot be considered as valid. On behalf of State no submission is made regarding possibility of tampering of evidence or with regard to flight risk.

5. After hearing both sides and considering the entire materials on record, it comes to my view that at the relevant point of time the victim was 17 years of age and she admitted her marriage with the petitioner.
6. I have gone through the statement of the victim recorded under Section 183 of BNSS (164 of CrPC) as well as the period of custody of the petitioner. However, without making any observation on the merit of the case, the instant application for bail stands **allowed**.
7. Accordingly, let the petitioner viz., **Tufan Mahata** be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two registered sureties of Rs. 10,000/- (Rupees Ten Thousand only) each, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court (POCSO Act), 2nd Court, Jhargram**.
8. The following conditions be imposed:
 - i) Petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever;
 - ii) Petitioner shall appear before the learned Trial Court on every date fixed by the Court for trial unless exempted for the interest of justice.

9. 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 without further reference to this Court.
10. The application for bail being **C.R.M. (M) 651 of 2025** stands disposed of.
11. The case diary be returned to the learned counsel on behalf of the State.

(Bibhas Ranjan De, J.)