

11.07.2025
Item no.8
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 591 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.17 of 2025 corresponding to G.R. Case No.483 of 2025 arising out of Mahishadal Police Station Case No.99 of 2025 dated March 10, 2025 under Sections 137(2) of the Bharatiya Nyaya Sanhita, 2023 and adding Sections 64(2)/65(1) of the Bharatiya Nyaya Sanhita read with Section 6(1) of the Protection of Children from Sexual Offences Act read with Section 9 of the Prohibition of Child Marriage Act now pending before the court of the learned Judge, Special Court (POCSO), Haldia at Purba Midnapore.

-And-

In the matter of : **Gour Das @ Bapi @ Gouranga Das**
... Petitioner

Mr. Navanil De
Mr. Subhrajit Dey
...for the petitioner

Mr. Aniket Mitra
Mr. Subhajit Chowdhury
...For the State

Mr. Mrityunjoy Chatterjee
Mr. Salil Kr. Maiti
Ms. Pinki Saha
... for the *de facto* complainant

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim left her house out of her own accord. The petitioner is in custody for 86 days and upon completion of investigation, charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim is aged about 15 years and she was taken away by the petitioner and forcibly married. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits that the victim being a minor cannot give consent to any marriage and furthermore, the petitioner is previously married, which has been suppressed by the petitioner to the victim. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

In her statement the victim does not implicate the petitioner of any sexual assault upon her. The victim had love affairs with the petitioner. Under what circumstances such marriage has taken place and the complicity of the petitioner in the marriage may be examined and assessed in trial. The petitioner is in custody for 86 days and upon completion of investigation, charge-sheet has already been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely, **Gour Das @ Bapi @ Gouranga Das**, 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 (POCSO), Haldia, Purba Midnapore. 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. The petitioner shall meet the Inspector-in-Charge of Mahishadal Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Mahishadal 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 bail in accordance with law without further reference to this Court.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, the application for bail being **CRM (M) 591 of 2025** is disposed of.

(Bivas Pattanayak, J.)