

09.07.2025
Item no.9
Court No.42
ss

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 697 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Krishnaganj Police Station Case No.422 of 2024 dated 05.11.2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 adding Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act presently pending before the learned Special Judge (POCSO) Act, Krishnagar, Nadia;

And

In Re : Biswajit Sharma.

.... Petitioner

Mr. Atis Kumar Biswas

..... for the petitioner

Ms. Anasuya Sinha, Ld.APP

Mr. Bikram Mitra

... for the State

Service report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that previously a case was initiated under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023. The petitioner was granted bail by the learned Chief Judicial Magistrate, Nadia on 25th March, 2025. Subsequently, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act were added and the bail granted to the petitioner was cancelled by the Special Court under POCSO Act, Krishnagar, Nadia on 14th May, 2025 without any notice to the petitioner. There are no such allegations against the petitioner of any forcible sexual assault. The petitioner and the victim had love affairs. The petitioner is in

custody for 53 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 petitioner had taken away the victim and they resided together in a house. She seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The victim in her statement does not implicate the petitioner of any forcible sexual assault. The victim states that she and the petitioner got married. Under what circumstances such marriage has taken place and the complicity of the petitioner in the marriage may be assessed in trial. The petitioner is in custody for 53 days and upon completion of investigation, charge-sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely **Biswajit Sharma** 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, under POCSO Act, Krishnagar, Nadia. 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 Krishnaganj Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Krishnaganj 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 addresses 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) 697 of 2025** is disposed of.

(Bivas Pattanayak, J.)