

09.07.2025  
Item No.10(DL)  
Court No.42  
srm  
(Allowed)

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

**C.R.M.(M) 703 of 2025**

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Balurghat Police Station Case No.986 of 2024 dated 16.12.2024 for alleged offence punishable under Sections 329(4)/115(2)/117(2)/109/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of The Protection of Children from Sexual Offences Act, 2012 and Sections 9/10 of Prohibition of Child Marriage Act, 2006 and charge sheet has been submitted vide Charge Sheet No.109 of 2025 date 16.02.2025 for alleged offence punishable under sections 64(1)/329(4)/115(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 and sections 9/10 of Prohibition of Child Marriage Act, 2006 pending before the learned Special Judge (under POCSO Act) 2<sup>nd</sup> Court, Balurghat, Dakshin Dinajpur.

-And-

**In the matter of : Surojit Malo**

... Petitioner

Ms. Jeenia Rudra

...for the Petitioner.

Mr. Saibal Bapuli,  
Mr. Mainak Gupta

... ...for the State.

Learned Advocate for the petitioner submits that the petitioner is in custody for 183 days and upon completion of investigation charge sheet has already been submitted in this case. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are specific allegations against this petitioner of marrying the victim forcibly and also of penetrative sexual assault. He 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.

It is found from the statement of the victim that her marriage with the petitioner was forcibly solemnized by her paternal aunts. The allegation in the statement is precisely of torture. There are no such implication of any sexual assault. Under what circumstances the marriage has taken place and the complicity of the petitioner in the said marriage may be examined and assessed in trial. The petitioner is in custody for 183 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 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 Judge (under POCSO Act) 2<sup>nd</sup> Court, Balurghat, Dakshin Dinajpur. 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 Officer-in-Charge of Balurghat Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Balurghat Police Station except for the purpose of attending court proceedings and for reporting to the Officer-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 Officer-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) 703 of 2025** is disposed of.

**(Bivas Pattanayak, J.)**