

23.07.2025
D/L 7
Court No.42
ab
(Allowed)

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

C.R.M.(M) 894 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domjur P. S. Case No. 833 of 2023 dated 29.11.2023 under Sections 498A/406 of the Indian Penal Code and Sections 3 /4 of the Dowry Prohibition Act, adding Sections 9/10 of the Prohibition of Child Marriage Act, 2006 and adding Section 6 of the POCSO Act now pending before the learned Judge, Special (POCSO) Court, Howrah.

In Re : **YYYY**

.... Petitioner

Mr. Dipanjan Chatterjee,
Mr. Asit Nayek,
Ms. Rimpa Adhikari,
Ms. Namrata Hatui,
Ms. Kakan Das

... for the Petitioner

Mr. Atif Ahmed Siddiqui

...for the State.

Mr. Ashok Das,
Ms. Hasi Jana

... for the *de facto* complainant

Learned Advocate for the petitioner submits that the marriage of the victim and the petitioner was arranged. Out of the said wedlock, the victim has given birth to a child, who is presently aged about three years. The allegation precisely relates to matrimonial dispute, nothing more nothing less. The petitioner is in custody for about 130 days and upon completion of investigation, charge sheet has already been submitted in the present case. The parents of victim as well as sister-in-law have been granted anticipatory bail by this Hon'ble Court. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the petitioner is the principal accused who entered into a marital tie with the minor victim and due to physical relationship, the minor victim became pregnant and she delivered a child. He seeks for dismissal of the bail application.

Similar submission is advanced by the learned advocate for the *de facto* complainant, who also opposes such prayer for bail.

Perused the case diary and the materials on record.

The statement of victim shows that the petitioner and the victim were married upon negotiation. The victim delivered a child out of the said wedlock. There are allegations of assault. Be that as it may, the circumstances under which such marriage took place or the complicity of the petitioner in the said marriage may be tested and examined in trial. The petitioner is in custody for about 120 days and upon completion of investigation, charge sheet has already been submitted in the present case. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

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 Judge, Special (POCSO) Court, Howrah. 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 Domjur Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Domjur 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) 894 of 2025** is disposed of.

(Bivas Pattanayak, J.)