

11.07.2025
Item No.18(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 876 of 2025

In re : An Application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.03 of 2025 arising out of Gazole Police Station Case No.1163 of 2024 dated 19.12.2024 under Sections 85/127(2)/351(2) of the Bharatiya Nyaya Sanhita & Sections 9/10/11 of the Prohibition of Child Marriage Act & Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Additional District & Sessions Judge, 2nd Court (Special Court under POCSO Act), Malda;

-And-

In the matter of : Mahadeb Mondal

... Petitioner

Sk. Toslim Ali,
Ms. Rituparna Bhadra,

...for the Petitioner.

Ms. Sreyashee Biswas,
Ms. Madhumita Basak

... ...for the State.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that there are no incriminating materials against the petitioner. The victim was married to the petitioner. Out of family dispute the petitioner has been falsely implicated in this case. The petitioner is in custody for last 6 months. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the minor victim was married to the petitioner forcibly by the parents of the petitioner who are also accused in

the present case. There are allegations of sexual assault by the petitioner and also of marrying a minor. 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 was married to the petitioner. The victim in her statement before the Magistrate does not disclose any forcible sexual act by the petitioner. The circumstances under which the marriage of the petitioner and the victim has taken place and complicity of the petitioner in the said marriage may be tested and examined in trial. The petitioner is in custody for 6 months and upon completion of investigation charge sheet has already been submitted. 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 Court under POCSO Act, ADJ, 2nd Court, Malda. 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 Gazole Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Gazole 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) 876 of 2025** is disposed of.

(Bivas Pattanayak, J.)