

22.07.2025
Item no.18
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1050 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding Section 439 of the Code of Criminal Procedure, 1973 in connection with Galsi Police Station Case No.681 of 2023 dated 11.11.2023 under Sections 363/365/370 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 now pending before the learned Additional Sessions Judge, 2nd Court-cum-Judge, Special Court, under POCSO Act, Purba Bardhaman.

-And-

In the matter of : XXXX

... Petitioner

Mr. Sujan Chatterjee
Ms. Juin Dutta Chakraborty
Mr. Bidan Modak
Ms. Arpita Kundu

...for the petitioner

Mr. Rana Mukherjee, Ld. APP
Mr. Ratul Ghosh

...For the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned Advocate for the petitioner submits that the petitioner is the husband of the victim. The victim and the petitioner after marriage led their marital life. There are no such incriminating materials against the petitioner, who is in languishing for 227 days. 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 was taken away to Rajasthan and

was forcibly given marriage to the petitioner. The petitioner had physical relationship with the minor victim. He seeks for dismissal of the bail application.

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

Perused the case diary and the materials on record.

The statement of the victim shows that she was forcibly given in marriage to the petitioner at Rajasthan and she resided with the petitioner as husband and wife. The victim has refused to undergo medical examination. The circumstances under which the marriage has taken place or the complicity of the petitioner in the said marriage may be examined and tested in trial. The petitioner is in custody for 227 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 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, Purba Bardhaman. 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 not leave the territorial jurisdiction of Bardhaman Sadar Police Station except for the purpose of

attending court proceedings. The petitioner shall meet the Inspector-in-Charge of Bardhaman Sadar Police Station once in a fortnight, 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) 1050** of **2025** is disposed of.

(Bivas Pattanayak, J.)