

22.07.2025
Item no.13(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1018 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Krishnaganj Police Station Case No.54 of 2025 dated 27.01.2025 under Sections 137(2)/140(3)/3(5) of the Bharatiya Nyay Sanhita, 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act corresponding to POCSO Case No.50 of 2025 now pending before the learned Judge, Special Court, POCSO Act, Krishnagar, Nadia.

And

In Re : XXX

.... Petitioner

Mr. Prabir Majumder,
Mr. Debangshu Majumder

..... for the Petitioner

Ms. Anasuya Sinha,
Mr. Nahid Ahamed

... for the State

Mr. Soumajit Chatterjee

...for the *de facto* complainant.

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

Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs. The victim left her house out of her own accord. The petitioner is in custody for 120 days and upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim was taken away to Orissa by this petitioner and he was involved in physical relationship with the victim. She seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also submits that the petitioner forcibly entered into physical relationship with the victim. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement before the Magistrate stated that she left her house out of her own accord with the petitioner with whom she had previous love affairs. There are no allegations of any forcible sexual act. The victim had refused to undergo medical examination. The petitioner is in custody for 120 days 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, 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 Officer-in-Charge of Krishnaganj Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Krishnaganj 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) 1018 of 2025** is disposed of.

(Bivas Pattanayak, J.)