

11.07.2025
Item No.39(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 992 of 2025

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with P.T. Case No.37 of 2025 arising out of Manikchak Police Station Case No.746 of 2023 dated 15.09.2023 under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special Court (POCSO Act), Malda;

-And-

In the matter of : Anil Vaishnav

... Petitioner

Mr. Mritunjay Chatterjee,
Ms. Suchismita Chakraborty,
Mr. Arindam Paoli

...for the Petitioner.

Mr. Suman De,
Mr. Soumdip Saha

... ...for the State.

Mr. Ashok Das,
Ms. Hasi Jana

...for the *de facto* complainant.

Learned Advocate for the petitioner submits that the victim had left her house out of her own accord and has married the petitioner. The victim has delivered a child out of the said marriage on 22nd June, 2025. There are no such incriminating materials against the petitioner. 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 taken away by the petitioner and he entered into physical relationship with the

minor victim resulting in her pregnancy. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

It is found from the statement of the victim recorded under Section 164 of the Cr.P.C. that she had previous love affairs with the petitioner. She left her house out of her own accord. The statement of the victim is exonerative in nature. The petitioner is in custody for 60 days and upon completion of investigation charge sheet has already been submitted. Considering the entire circumstances, 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 Judge, Special Court under POCSO Act, 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.

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) 992 of 2025*** is disposed of.

(Bivas Pattanayak, J.)