

28.07.2025
Item no. 3
Court No.42
ab
allowed

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1016 of 2025

In re : An Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO Case No.36 of 2025 arising out of Lalgola Police Station Case No.255 of 2025 dated 26.03.2025 under Sections 9/11 of the Prohibition of Child Marriage Act read with Section 6 of the Protection of Children from Sexual Offences Act, now pending before the learned Judge, Special Court, Lalgola, Murshidabad.

And

In Re : XXXX

.... Petitioner

Mr. Golam Nure Imrohi

..... for the petitioner

Mr. Bitashok Banerjee,
Mr. Sobhan Gani

... for the State

Ms. Jonaki Saha

... for the *de facto* complainant

Service report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that the victim had previous relationship with the petitioner and they got married. There are no such incriminating materials against the petitioner, who is languishing in jail for about 125 days. Upon completion of investigation, charge sheet has already been submitted in the present case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim at the time of marriage was minor. He seeks for dismissal of the bail application.

Similar submission is also advanced 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 left her house with the present petitioner out of her own accord and married the petitioner. Thereafter, matrimonial disputed cropped up. Under what circumstances, the said marriage has taken place and the complicity of the petitioner in solemnization of said marriage may be examined in trial. The petitioner is in custody for about 125 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 Court, Lalbagh, Murshidabad. 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 Lalgola Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Islampur 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) 1016 of 2025** is disposed of.

(Bivas Pattanayak, J.)