

18.07.2025
Item no.3(DL
Court No.42
srm

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(R) 86 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No.92 of 2025 dated February 5, 2025 under Sections 137(2)/140(3) of the BNS, 2023 adding Section 6 of the POCSO Act and Sections 9/10 of Prohibition of Child Marriage Act subsequently charge sheet has been submitted on 22.03.2025 under Sections 137(2)/140(3) of the BNS, 2023 adding Section 6 of POCSO Act and Section 9 of Prohibition of Child Marriage Act pending before the learned Judge, Special (POCSO) Court, Howrah.

And

In Re : Debasish Bag @ Adi @ Saibag

.... Petitioner

Mr. Tanmay Chowdhury,
Ms. Sulagna Sarkar

..... for the Petitioner

Ms. Sreyashee Biswas,
Ms. Trina Mitra

... for the State

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs. There are no such incriminating materials against the petitioner, who is in custody for 155 days and upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim aged 15 years was taken away by the petitioner, who married her. 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 in her statement does not implicate the petitioner. The statement shows that the victim had previous love affairs with the petitioner. The petitioner is in custody for 155 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 under POCSO Act, Howrah. 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 Sankrail Police Station once in a fortnight, until further orders. The petitioner shall not leave within the territorial jurisdiction of Rajapur 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 (R) 86 of 2025** is disposed of.

(Bivas Pattanayak, J.)