

29.07.2025
Item no.10(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1053 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangasagar Coastal Police Station Case No.38/2025 dated 10.04.2025 under Sections 64(2)(m)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 09 of Prohibition of Child Marriage Act and Section 06(1) of the Protection of Children from Sexual Offences Act, 2012 corresponding to Spl. POCSO 29/2025 pending before the learned Additional District and Sessions Judge, 1st Court and Special Court under Protection of Children from Sexual Offences Act, 2012 (POCSO), Kakdwip, South 24-Parganas.

And

In Re : Sampa Ghara

.... Petitioner

Mr. Ayan Basu,
Mr. Sandip Kumar Mondal,
Mr. Sumit Routh

..... for the Petitioner

Mr. Madhusudan Sur,
Ms. Snigdha Saha

... for the State

Mr. Saibal Krishna Dasgupta

...for the *de facto* complainant.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim used to visit the house of the petitioner of her own accord for playing with her little daughter. While visiting the petitioner's house, the victim developed love relation with the principle accused, Pintu Mondal. The allegation against the petitioner is of facilitating the offence. The petitioner, who is in custody for 111 days, has two years old lap baby. 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 in her statement has categorically stated that this petitioner used to lock the room from outside for facilitating of such offence by the principle accused. The victim, due to such penetrative sexual assault, got pregnant and the child in the womb had to be aborted. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that consent of the minor is no consent. There are incriminating materials against the petitioner of facilitating such offence. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim implicates this petitioner of facilitating such crime. The principle accused had physical relationship with the victim resulting in her pregnancy. Be that as it may, the circumstances of facilitating such crime/offence as alleged against the present petitioner may be assessed, examined and tested in trial. The petitioner is in custody for 111 days and upon completion of investigation charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner.

Accordingly, the petitioner, namely, **Sampa Ghara** 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, Kakdwip, South 24-Parganas. The petitioner shall appear before the learned 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 victim, 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 her 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) 1053 of 2025** is disposed of.

(Bivas Pattanayak, J.)