

04.08.2025
Item no.7(ML)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1048 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola Police Station Case No.1272/2024 dated 25.12.2024 under Section 4 of the Protection of Children from Sexual Offences Act, 2012 read with under Section 115(2) of the Bharatiya Nyaya Sanhita, 2023 whereby charge sheet filed under Section 85/65(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and read with under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 (corresponding to POCSO Case No.1 of 2025) pending before the Court of learned Judge, Special Court under POCSO Act, Lalbagh, Murshidabad.

And

In Re : XXX

.... Petitioner

Ms. Riya Das

..... for the Petitioner

Ms. Sujata Das,
Ms. Ratna Ghosh

... for the State

Mr. Pintu Karar,
Mr. Sabab Uddin Laskar

...for the *de facto* complainant.

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 and they married each other which will be evident from the *Nikanama* annexure P/1. The petitioner is in custody for 210 days and upon completion of investigation charge sheet has already been submitted. She seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that there are allegations of forcible sexual

intercourse against the petitioner. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant also opposes such prayer for bail and submits that no such marriage took place and signatures in the marriage certificate are disputed. He also seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The statement of the victim shows that she had previous relationship with the petitioner. She has alleged that the petitioner failed to appear before the Marriage Registrar. By order dated 28th July, 2025, State was directed to furnish report with regard to authenticity and genuineness of the *Nikanama* being annexure P/1 annexed to the application. In compliance thereof, the State files a report dated 30th July, 2025 furnished by the SI of Police, Lalgola PS, Murshidabad, which is taken on record. Primarily the said report shows that the marriage certificate is genuine and the fact is true. Under what circumstances such marriage was registered and the complicity of the petitioner in the said marriage may be examined in trial. The petitioner is in custody for 210 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 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, Lalbagh, Murshidabad. 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. The petitioner shall meet the Officer-in-Charge of Lalgola Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Lalgola 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) 1048 of 2025** is disposed of.

(Bivas Pattanayak, J.)