

30.07.2025
Item no. 5
Court No.42
ab
allowed

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1083 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly, Section 439 of the Code of Criminal Procedure, 1973) in connection with POCSO Case No.18 of 2025 arising out of Bhagwangola Police Station Case No.28 of 2025 dated 09.01.2025 under Sections 80/85/107/108/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 read with Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 now pending before the learned Judge, Special Court, Lalbagh, Murshidabad.

And

In Re : Mr. Y

.... Petitioner

Mr. Ranadeb Sengupta,
Mr. Saurav Bishnu

... ... For the Petitioner

Mr. Debapriya Samanta,
Mr. S. Palit,
Mr. Akash Kumar Chakraborty

...for the *de facto* complainant

Mr. Partha Pratim Das,
Mr. Sobhan Gani

... ...For the State

The matter is appearing under the heading "*To Be Mentioned*".

Learned Advocate for the petitioner submits that the prosecution during the course of investigation has not been collected any authentic document to establish the age of the victim. Since FIR records the age of the victim as 18 years, as such, the offences under the POSCO Act are not attracted. There are no such incriminating materials against the petitioner. With

the consent of the family members of both the sides, the victim was married to the petitioner. The petitioner is in custody for about 198 days and 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 brothers of the victim in their respective statements recorded under Section 164 Cr.P.C. have implicated the petitioner of demanding dowry which has led to suicide by the victim in her matrimonial home. The victim at the time of incident was a minor, which will be evident from the certificate issued by the School Authority where she used to study. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant submits that the victim was tortured in her matrimonial home by the husband (petitioner) and other in-laws. The victim committed suicide in her matrimonial home. The parents of the victim have also been made accused in another criminal proceeding under Prohibition of Child Marriage Act and they are on bail. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim was married to the petitioner. Primary documents collected during the course of investigation show that the date of birth of the victim is 30th March, 2007. Be that as it may, the allegation of demand of dowry appearing from the statement of witnesses is omnibus in nature. There are no notable injury as per post-mortem report and the death is due to asphyxia due to hanging which is ante-mortem and suicidal in

nature. The circumstances which led to suicide of the victim or the complicity of the petitioner may be adjudged and examined in trial. The petitioner is in custody for about 198 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 Bhagwangola Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Bhagwangola 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) 1083 of 2025** is disposed of.

(Bivas Pattanayak, J.)