

05.08.2025
Item no.6
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1198 of 2025

In Re:- An application under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with TR Case
No.183 of 2024 arising out of Bally Police Station Case No.141 of
2024 dated 03.11.2024 under Sections 64 of the Bharatiya
Nyaya Sanhita, 2023 read with Section 6 of the Protection of
Children from Sexual Offences Act, 2012 and Section 9 of the
Prohibition of Child Marriage Act, 2006 pending before the Court
of learned Judge, Special (POCSO) Court, Howrah.

And

In Re : XXX

.... Petitioner

Md. Wasim Akram

..... for the petitioner

Mr. Md. Adil Badr
Mr. Raju Mondal

... for the State

Ms. Reshmi Khatun

... for the victim

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

Learned Advocate for the petitioner submits that the
victim and the petitioner had previously love affairs and the
victim left her house out of her own accord and they married.
The victim was residing in the matrimonial home along with the
petitioner. The victim delivered a child out of wedlock with the
petitioner. The petitioner is in custody for more than 7 months
and after completion of investigation, charge-sheet has already
been submitted. He seeks for enlargement of the petitioner on
bail.

Learned Advocate for the State conceding that there was love relation between the petitioner and the victim, submits that the victim at the time of incident was minor and as such, the marriage and co-habitation by the petitioner is illegal. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant does not raise any objection. She submits that the victim and the petitioner married with each other and they were leading conjugal life when the case was instituted.

Perused the case diary and the materials on record.

The victim in her statement does not implicate this petitioner. The statement shows that the victim had previously love affairs with the petitioner and she left her house out of her own accord. The victim has refused undergo medical examination. The victim has also delivered a child out of wedlock with the petitioner. Under what circumstances the marriage has taken place or the complicity of the petitioner in the said marriage, may be examined in trial. The petitioner is in custody for more than 7 months and upon completion of investigation, charge-sheet has already been submitted in this case. Hence, this Court is 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, 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 Inspector-in-Charge of Nabadwip Police Station once in a fortnight, until further orders.

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) 1198** of **2025** is disposed of.

(Bivas Pattanayak, J.)