

07.08.2025  
Item no.6(DL)  
Court No.42  
srm  
(Allowed)

**HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M.(M) 1237 of 2025**

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with SPL (POCSO) Case No.34 of 2025 arising out of Minakhan Police Station Case No.92 of 2025 dated 23.02.2025 under Sections 85/80/108/3(5) of the Bharatiya Nyaya Sanhita, 2023, under Section 4 of the Dowry Prohibition Act, under Section 6 of POCSO Act and under Section 9 of the Prohibition of Child Marriage Act, currently pending before the Court of learned Judge, Special Court (POCSO Act), Basirhat, North 24-Parganas.

And

In Re : XXX @ XXX

.... Petitioner

Mr. Satadru Lahiri,  
Mr. Safdar Azam,  
Mr. Poulam Dey

..... for the Petitioner

Mr. Sahid Imam,  
Ms. Trina Mitra

... for the State

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Service report filed by the State is also taken on record.

Learned Advocate for the petitioner submits that the victim at the time of incident was married to the petitioner and they were leading conjugal life. The allegations of torture are omnibus. The co-accused have been granted bail by the learned Trial Court. There are no earlier complaints lodged with the allegation of any sort of torture prior to the death of the victim. The *post mortem* report does not depict of any injuries to the victim. The petitioner is in custody for more than 5 months and 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 statement of the parents of the victim clearly shows that the victim was kidnapped and thereafter was forcibly married to the petitioner. The victim at the time of marriage was a minor. Due to physical relationship by the petitioner the victim got pregnant and she delivered a child. There are specific allegations of torture on demand of dowry. Such torture led to the commission of suicide by the victim. He 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.

From the statement of the witnesses, it is found that though there are allegations of torture, but those are omnibus in nature. Records reveal that the victim was married to the petitioner and she delivered a child. Be that as it may, the *post mortem* report shows that death was due to effects of hanging which is *ante mortem* in nature. No notable injuries are noted in the *post mortem* report. The circumstances under which the marriage took place and the complicity of the petitioner in the said marriage as well as the circumstances which led to commission of suicide by the victim may be examined and tested in trial. The petitioner is in custody for more than 5 months 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, Basirhat, North 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 witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Officer-in-Charge of Minakhan 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) 1237 of 2025** is disposed of.

**(Bivas Pattanayak, J.)**