

04.09.2025
D/L 3
Court No.42
ab
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1309 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baruipur P. S. Case No. 855 of 2024 dated 08.06.2024 under Sections 341/354D/376/509/506 of the Indian Penal Code read with Section 6 of the POCSO Act, 2012, subsequently charge sheet filed, vide Charge-Sheet No. 1770 of 2024, dated 06.11.2024 under Sections 341/328/354D/376/509/506 of the Indian Penal Code read with Section 4 of the POCSO Act, now pending before the learned Additional Sessions Judge, 1st Court, Special Court under POCSO Act at Baruipur, South 24 Parganas.

In Re : **XXXX**

.... **Petitioner**

Mr. Pawan Kr. Gupta,
Mr. Shahriyar Karim Akhtar,
Ms. Safia Nesar,
Mr. Santanu Seth

...for the Petitioner

Mr. Bitashok Banerjee,
Mrs. Mamata Jana

...for the State

Mr. Abhinava Rakshit

... for the *de facto* complainant

1. The petitioner renews his prayer for bail.
2. Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs and they married each other. A notice seeking divorce has also been issued by Registrar & Kazi on behalf of the victim, which pre-supposes such marriage. The petitioner has been falsely implicated. The notice seeking divorce could not be pressed into service on earlier occasion since that was not within the knowledge of

the petitioner. The petitioner is in custody for more than a year. He seeks for enlargement of the petitioner on bail.

3. Learned Advocate for the State, opposing such prayer for bail, submits that there are serious allegations against the petitioner of kidnapping and ravishing the victim. He seeks for dismissal of the bail application.
4. Similar submission is also advanced on behalf of the learned advocate for the *de facto* complainant.
5. Perused the case diary and the materials on record.
6. By order dated 25th August, 2025, State was directed to furnish report with regard to the genuinity of the notice appearing at pages 43 and 44 of the application Annexure P-7 being Case No. 4605/92/25. In compliance thereof, State furnishes a report, which is taken on record.
7. It is found from the letter of Registrar & Kazi, dated 2nd September, 2025 that both the notices were sent from the said office. The notice is issued on behalf of the victim seeking divorce. Thus, there is pre-supposition of an acquaintance leading to marriage between the parties. The petitioner is in custody for more than a year. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.
8. 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 Additional Sessions Judge, 1st Court, Special Court under POCSO Act at Baruipur, South 24 Parganas. 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 Baruipur Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Baruipur 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.

9. 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.
10. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
11. Accordingly, the application for bail being **CRM (M) 1309 of 2025** is disposed of.

(Bivas Pattanayak, J.)