

18.08.2025
Item no.6(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1314 of 2025

In Re:- An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Balurghat P.S. Case No.137 of 2025 dated 04.03.2025 (Special POCSO Case No.40 of 2025 & PTN-1117/2025) under Sections 137(2)/140(3)/64(1)/3(5) of the Bharatiya Nyaya Sanhita read with Section 6 of the Protection of Children from the Sexual Offences Act and adding Sections 9/10 of the Prevention of Child Marriage Act, presently pending before the learned Additional District & Sessions Judge, 2nd Court-cum-Special Judge (Under POCSO Act), Balurghat, Dakshin Dinajpur.

And

In Re : Dayal Mahanta Barman

.... Petitioner

Mr. Joydeep Biswas,
Mr. Arup Sarkar,
Mrs. Shibani Agarwal,
Mr. Koushik Ghosh

..... for the Petitioner

Mr. Aniket Mitra,
Mr. Subhasish Datta

... for the State

Compliance report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim left with the petitioner out of her own accord and they married each other. There are no incriminating materials against the petitioner. The petitioner is in custody for 130 days 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 victim was taken away by the petitioner when she was a minor. 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.

It is found from the statement of the victim that she left with the petitioner out of her own accord. There are no such allegations of forcible sexual assault. The petitioner is in custody for 130 days and upon completion of investigation charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely, **Dayal Mahanta Barman** 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 District and Sessions Judge, 2nd Court-cum-Special Judge (under POCSO Act), Balurghat, Dakshin Dinajpur. 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 Balurghat Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Balurghat 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) 1314 of 2025** is disposed of.

(Bivas Pattanayak, J.)