

13.08.2025

Item No.10
Court No. 42
Sudipta

(Allowed)

CRM (M) 1349 of 2025

In Re: An application for Bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Goghat Police
Station Case No. 267 of 2025 dated 24th day of June, 2025, under
Sections 64(2)(m) / 65(i) / 352 of the BNS, 2023 read with Section
6(1) of the Protection of Children from Sexual Offences Act, 2012.
And

In Re : **XXX**

.....Petitioner

For the Petitioner :

Mr. Niladri Sekhar Ghosh

Ms. Labani Sikder

Mr. Souvik Dey

.....Advocates

For the State :

Mr. Arijit Ganguly

Mr. Sernya Basu Roy Chowdhury

.....Advocates

For the de facto complainant :

Mr. Arabinda Manna

.....de facto complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner had acquaintance which culminated into marriage. The said marriage was registered. The victim started to reside in the matrimonial home. However, since she left the matrimonial home, the petitioner filed an application before the SDEM at Arambagh, Hooghly, under Section 100 of BNS for issuance of search warrant and production of the victim. Thereafter, this case has been initiated under the POCSO Act at the instance of the victim

with certain allegations which took place 5 years ago. He seeks for enlargement of the petitioner on bail.

2. Opposing such prayer for bail learned Advocate for the State submits that the victim was forced to marry the petitioner. There are allegations against the petitioner for ravishing the victim. He seeks for dismissal of the bail application.
3. Learned Advocate for the de facto complainant submits that there is continuous threat from the side of the petitioner. He also seeks for dismissal of the bail application.
4. Perused the Case Diary and the materials on record.
5. Upon going through the statement of the victim, it appears that the victim was acquainted with the petitioner previously. The marriage between the victim and the petitioner was solemnized on 4th April, 2025 and the prosecution has collected the marriage certificate during the course of investigation. Under what circumstance the marriage took place and the complicity of the petitioner in the said marriage may be examined in trial. The allegations are precisely of attempt to rape. Considering such allegations and the circumstances, this Court is inclined to grant bail to the petitioner on stringent conditions.
6. 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, POCSO Act, Arambagh, Hooghly. 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 victim and witnesses and / or tamper with the evidence in any manner whatsoever. The petitioner shall meet the Inspector-in-Charge of Goghat Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Goghat Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the Investigating Officer and the Inspector-in-Charge of the concerned police station under whose jurisdiction he shall presently reside.

7. In the event of 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.
8. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
9. Accordingly, the application for bail being **CRM (M) 1349 of 2025** is disposed of.
10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bivas Pattanayak, J.)