

21.08.2025
Item no.4
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1334 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sessions Special Case No.45 of 2024 corresponding to S.T. No.46(07) of 2025 arising out of Kalna Police Station Case No.1341 of 2024 dated 12.11.2024 under Section 137(2)/140(3)/3(5) of Bharatiya Nyaya Sanhita, 2023 read with Section 6(1) of POCSO Act and Sections 9/10 of Prohibition of Child Marriage Act, 2006 currently pending before the Court of learned Judge, Special Court (POCSO Act) cum Additional Sessions Judge, Kalna, Purba Bardhaman.

And

In Re : XXX

.... Petitioner

Mr. Atanu Biswas
Mr. Mrinal Saha

..... for the petitioner

Mr. Saryati Datta
Ms. Puja Goswami

... for the State

Mr. Dipnil Banerjee

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and they married each other. The victim started to reside in the house of the petitioner. Thereafter, some family disputes cropped up, which led to initiation of the present criminal case. There are no incriminating materials against the petitioner. The co-accused being the relatives of the present petitioner have been granted bail. The petitioner is in custody for 222 days and upon completion of investigation charge sheet has been submitted. He seeks for enlargement of the petitioner on bail.

2. Learned Advocate for the State, opposing such prayer for bail, submits that there are allegations against the petitioner of marrying the victim forcibly and thereafter leading conjugal life. There are also allegations of the assault. He seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant submits that there are continuous threats upon the victim and her family members from the side of the petitioner. He seeks for dismissal of the bail application.

4. Perused the case diary and the materials on record.

5. At the first instance the victim in her statement before the investigating agency recorded under Section 161 of Cr.P.C. alleges of assault. However, there are no allegations of any forcible sexual assault against the petitioner. In a subsequent statement under Section 164 Cr.P.C. the victim alleges of such forcible sexual assault. Be that as it may, the victim refused to undergo medical examination. Under what circumstances, marriage, if any, has taken place and the complicity of the petitioner in the said marriage may be assessed and examined in trial. The petitioner is in custody for 222 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.

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, under POCSO Act, Kalna, Purba Bardhaman. 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 Kalna Police Station once in a fortnight, until further orders. The petitioner shall not enter the jurisdiction of Kalna 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 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) 1334 of 2025** is disposed of.

(Bivas Pattanayak, J.)