

19.08.2025
Item no.6(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1347 of 2025

In Re:- An application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj Police Station Case No.720 of 2024 dated 21.08.2024 under Section 137(2)/140(3) of Bharatiya Nyaya Sanhita, 2023 with added Sections 87/64(1) of Bharatiya Nyaya Sanhita, 2023 read with Sections 9/10 of Prohibition of Child Marriage Act, 2006 and Section 6 of Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No.141 of 2024 currently pending before the Court of learned Judge, Special Court (POCSO Act), Krishnagar, Nadia.

And

In Re : Soujit Barman

.... Petitioner

Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatun,
Ms. Soma Mal,
Ms. June Modak

...for the Petitioner.

Mr. Sandip Chakraborty,
Mr. Aritra Bhattacharya

...for the State.

Mr. Sumanta Das,
Mr. Avilash Tripathi,
Ms. Sayantika Sahu

...for the *de facto* complainant.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Service report filed by the State is also taken on record.
3. Learned Advocate for the petitioner submits that there are no such incriminating materials against the petitioner, who is languishing in custody for 11 months. The victim in her deposition in court has stated that she left with the petitioner out of her own accord and married the petitioner. He seeks for enlargement of the petitioner on bail.

4. Opposing such prayer for bail, learned Advocate for the State submits that consent of the minor is no consent. He seeks for dismissal of the bail application.
5. Learned Advocate for the *de facto* complainant submits that there is continuous threat from the side of the family members of the petitioner. He also seeks for dismissal of the bail application.
6. Perused the case diary and the materials on record.
7. The statement of the victim before the Magistrate is exonerative in nature. In her deposition in court she deposed that she went to the house of the maternal uncle of the petitioner and they got married and lived as husband and wife. They also went to Rajasthan and stayed there for three months as husband and wife. The victim refused to undergo medical examination. Under what circumstances the marriage took place or the complicity of the petitioner in the said marriage may be examined and tested in trial. The petitioner is in custody for 11 months. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.
8. Accordingly, the petitioner, namely, **Soujit 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 Judge, Special Court under POCSO Act, Krishnagar, Nadia. 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 Kaliganj Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Kaliganj 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.

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) 1347 of 2025** is disposed of.

(Bivas Pattanayak, J.)