

15.09.2025
Item no.6
Court No.42
ss
(Allowed)

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

C.R.M.(M) 1579 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Islampur P. S. Case No. 138 of 2025 dated 08.03.2025 under Sections 10/11/9 of the Prohibition of Child Marriage Act and Sections 108/3(5)/80(2) of the Bharatiya Nyaya Sanhita, 2023 corresponding to POCSO Case No.43 of 2025 and adding Section 6 of the POCSO Act in C.S., now pending before the learned Judge, Special Court, Lalbagh, Murshidabad.

In Re : **XXXX**

.... Petitioner

Mr. Debapriya Samanta,
Ms. Riya Saha,
Mr. Akash Kumar Chakraborty

...for the Petitioner

Ms. Sonali Das,
Ms. Debadrita Mondal

...for the State

Mr. Partha Pratim Sinha

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner were married. There are no such allegations of any torture or sexual assault against the petitioner, who is in custody for 115 days. Upon completion of investigation, charge sheet has already been submitted in the present case. 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 of torture, which resulted in death of the victim by suicide. She seeks for dismissal of the bail application.

3. Learned advocate for the *de facto* complainant submits in the similar fashion as of learned Advocate for the State. He also prays for dismissal of the bail application.
4. Perused the case diary and the materials on record.
5. The statement of the independent witnesses recorded under Section 164 of Cr.P.C. does not disclose of any allegations against this petitioner. As per post mortem report the victim died by hanging. The complicity of the petitioner in death of the victim and the related circumstances may be examined in trial. The petitioner is in custody for 115 days and upon completion of investigation, charge-sheet has been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner.
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 Lalbagh, Murshidahad subject to the following conditions.
 - (i) 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;
 - (ii) The petitioner shall meet the Inspector-in-Charge of Islampur Police Station once in a fortnight, until further orders.

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) 1579 of 2025** is disposed of.

(Bivas Pattanayak, J.)