

17.09.2025
Item no.6
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1632 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhimpur Police Station Case No.149 of 2025 dated 30.05.2025 under Section 65(1) of Bharatiya Nyaya Sanhita, 2023 and Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 and Section 6 of POCSO Act currently pending before the Court of learned Judge, Special Court under POCSO Act, Nadia at Krishnagar.

And

In Re : XXX

.... Petitioner

Mr. Sumanta Das

..... for the petitioner

Mr. Arijit Ganguly

Mr. Shashanka Shekhar Saha

... for the State~

Md. Bani Israil

... for the *de facto* complainant

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that the victim left her house out of her own accord and married the petitioner. There are no such incriminating materials against the petitioner. The victim refused to undergo medical examination. The petitioner is in custody for 110 days and upon completion of investigation, charge-sheet has been submitted. He seeks for enlargement of the petitioner on bail.
3. Learned Advocate for the State, opposing such prayer for bail, submits that the victim was taken away forcibly and married by the petitioner. He seeks for dismissal of the bail application.

4. Learned Advocate for the *de facto* complainant leaves the matter to the discretion of this Court.

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

6. The victim in her statement before the Magistrate submits that she married the petitioner. There are no such allegations of forcible sexual assault. The victim refused to undergo medical examination. Under what circumstances the marriage was solemnized and complicity of the petitioner in the solemnization of marriage, may be examined and tested in trial. The victim is in custody for 110 days and upon completion of investigation, charge-sheet has already been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner.

7. 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, Nadia at Krishnagar subject to the following stringent 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 Bhimpur Police Station once in a fortnight, until further orders.

(iii) The petitioner shall not enter the jurisdiction of Bhimpur Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of concerned police station.

(iv) 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.

8. 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.

9. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

10. Accordingly, the application for bail being **CRM (M) 1632 of 2025** is disposed of.

(Bivas Pattanayak, J.)