

18.09.2025
Item no.6(DL)
Court No.42
srm
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(M) 1630 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with POCSO 31/2025 arising out of Ghola Police Station Case No.72 of 2025 dated 07.02.2024 being G.R. Case No.72 of 2025 under Section 6 of POCSO Act and Section 9/10/11 of the Prohibition of Child Marriage Act, 2006 and Charge Sheet being No.95/2025 dated 05.04.2025 under Sections 6 of Protection of Children from Sexual Offences Act, 2012 currently pending before the Court of learned Special Judge under POCSO Act, at Barrackpore.

And

In Re : XXX

.... Petitioner

Mr. Abhishek Verma
Mr. Sobham Majumdar
Mr. Atulya Verma

..... for the petitioner

Md. Anowar Hossain
Mr. Sandip Kundu

... for the State

1. Service report filed by the State is taken on record.
2. Learned Advocate for the petitioner submits that the victim and the petitioner had love relations and there are no such incriminating materials against the petitioner, who is languishing in custody for 224 days. Upon completion of investigation charge sheet has already been submitted. He seeks for enlargement of the petitioner on bail.
3. Opposing such prayer for bail, learned Advocate for the State submits that the victim has been ravished by the petitioner. He seeks for dismissal of the bail application.

4. Despite service, none appears on behalf of the *de facto* complainant.
5. Perused the case diary and the materials on record.
6. The victim in her statement before the Magistrate states that she had love relationship with the petitioner. There are no such allegations of any forcible sexual assault. The petitioner is in custody for 224 days and upon completion of investigation charge sheet has been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.
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 Special Judge under POCSO Act, at Barrackpore. 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 Ghola Police Station once in a fortnight, until further orders. The petitioner shall not enter the territorial jurisdiction of Ghola 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.

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) 1630 of 2025** is disposed of.

(Bivas Pattanayak, J.)