

24.09.2025
Item no.12
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1674 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabadwip Police Station Case No.310 of 2025 dated 30.04.2025 under Section 85/115(2)/351(2) of the Bharatiya Nyay Sanhita, 2023 in which Charge Sheet was submitted under Section 85/115(2)/351(2)/87/65(1) of the Bharatiya Nyay Sanhita, 2023 and Section 6 of POCSO Act, 2012 and Sections 9/10 of the Prohibition of Child Marriage Act, 2006 pertaining to POCSO Case No.72 of 2025 currently pending before the Court of learned Additional Sessions Judge, 2nd Court, (POCSO Act), Krishnagar, Nadia.

And

In Re : XXXXX

.... Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder
Ms. Anindita Kundu
Mr. Mintu Mondal

..... for the petitioner

Ms. Baisali Basu
Ms. Snigdha Saha

... for the State

Mr. Soham Banerjee

... for the *de facto* complainant

1. Learned Advocate for the petitioner submits that the victim and the petitioner had previous love affairs and they married each other. The victim after such marriage started to reside in the house of the petitioner. However, in relation to matrimonial discord, the *de facto* complainant lodged this case. There are no ingredients to attract offence under the POCSO Act. The petitioner is in custody for 125 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 the victim was taken away and she was tortured by the present petitioner. She seeks for dismissal of the bail application.

3. Learned Advocate for the *de facto* complainant conceding to the love affairs and subsequent marriage leaves the matter to the discretion of this Court.

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

5. The victim in her statement states that she married the petitioner. Though there are allegations of torture but there are no such allegations of any sexual assault. Under what circumstances the marriage was solemnized, may be examined and tested in trial. The petitioner is in custody for 125 days and upon completion of investigation, charge-sheet has already been submitted. 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 under POCSO Act, Krishnagar, Nadia, 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 Nabadwip 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) 1674 of 2025** is disposed of.

(Bivas Pattanayak, J.)