

24.09.2025
Item no. 13
Court No.42
ab
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1691 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. 396 of 2025 dated 27.06.2025 under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006 and Section 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 and under Section 6 of the POCSO Act now pending before the learned Judge, Special Court, Lalbagh, Murshidabad.

In Re : **XXXX**

.... Petitioner

Mr. Debapriya Samanta,
Mr. S. Palit,
Mr. Akash Kumar Chakraborty,
Mrs. Riya Saha

...for the Petitioner

Ms. Sonali Das,
Mr. Asraf Mandal

...for the State

Mr. Golam Nure Inrohi,
Ms. Nandini Chatterjee

... 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 the victim had previous relationship with the petitioner. The FIR has been lodged after three years. There are no such incriminating materials against the petitioner. The petitioner is in custody for about 88 days and upon completion of investigation, charge sheet has been submitted in the present case. He further

submits that other co-accused persons have been granted bail. He seeks for enlargement of the petitioner on bail.

4. Learned Advocate for the State opposing such prayer for bail submits that the victim was ravished by the present petitioner. She seeks for dismissal of the bail application.

5. Learned Advocate for the *de facto* complainant also opposes the prayer for bail and submits that although there is delay in lodging the FIR but the victim was violated by the petitioner. He seeks for dismissal of the bail application.

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

7. It is found from the statement of the victim that she left her house out of her own accord and married. She further alleges of physical torture. There are no such allegations of any forcible sexual assault by the present petitioner. Under what circumstances the marriage took place may be examined in trial. The petitioner is in custody for 88 days and upon completion of investigation, charge sheet has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

8. 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, Murshidabad 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 Islampur Police Station once in a fortnight, until further orders.
- iii. The petitioner shall not enter the jurisdiction of Islampur 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.

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) 1691 of 2025** is disposed of.

(Bivas Pattanayak, J.)