

25.09.2025
Item no.3(DL)
Court No.42
srm
(Allowed)

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

C.R.M.(M) 1706 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mahisadal Police Station Case No.499/2024 dated 22/11/2024 under Sections 137(2)/140(3)/351(2)/64(2)(m)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 6(1)/17 of the POCSO Act read with Section 9 of the Prohibition of Child Marriage Act giving rise to GR No.2623/2024 corresponding to POCSO(T)01(8)25, now pending before the learned Judge, Special Court (POCSO) at Haldia, Purba Medinipur.

In Re : **Sibnath Maiti @ Sibbu @ Shibbu @ Shibnath Maity**

.... Petitioner

Mr. Arnab Chatterjee,
Mr. Avik Ghosh,
Mr. Abhinaba Mukherjee

...for the Petitioner

Ms. Shaila Afrin,
Ms. Srilekha Chatterjee

...for the State

Mr. Navanil De,
Ms. Monami Mukherjee

... 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 and the petitioner had love affairs and they married each other. Upon such marriage, the victim started to reside along with the petitioner in the matrimonial home. However, after initiation of the present case the victim was recovered and she is presently residing in her parents' house. There is no such incriminating materials against the petitioner, who is in custody for 180 days. Trial is in progress and the vulnerable witnesses, namely, the victim and the *de facto* complainant

have already been examined. He seeks for enlargement of the petitioner on bail.

3. Learned Advocate for the State, in her usual fairness, submits that there is no such allegation of forcible act against the petitioner.
4. Opposing such prayer for bail, learned Advocate for the *de facto* complainant/victim submits that, due to forcible act of the petitioner, the victim became pregnant and the child in her womb had to be aborted. He seeks for dismissal of the bail application.
5. Perused the case diary and the materials on record.
6. The victim in her statement did not implicate this petitioner of causing any forcible sexual assault. The victim states that she had previous love affairs with the petitioner and she left her house out of her own accord. Under what circumstances the marriage has taken place may be examined and tested in trial. The petitioner is in custody for 180 days. It is informed by the learned Advocates for the parties that already the victim and the *de facto* complainant have been examined. In view of the above, I am inclined to grant bail to the petitioner.
7. Accordingly, the petitioner, namely, **Sibnath Maiti @ Sibbu @ Shibbu @ Shibnath Maity** 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 (POCSO) at Haldia, Purba Medinipur 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 Mahisadal Police Station once in a fortnight, until further orders.

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) 1706 of 2025** is disposed of.

(Bivas Pattanayak, J.)