

28.10.2025
Item no.1
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 1853 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kaliganj P.S. Case No. 691 of 2025 dated 20.03.2025 under Section 9 of Prohibition of Child Marriage Act, 2006 and Section 6 of the POCSO Act now pending before the learned Judge, Special Court under POCSO Act, Nadia, Krishnagar.

In Re : **XXX**

.... Petitioner

Mr. Sumanta Das

...for the Petitioner

Mr. Anupam Das Adhikari

Ms. Sima Biswas

...for the State

Mr. Manas Kumar Das

... for the victim

1. Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and they married each other and the victim has already delivered a child. There are no such allegations against the petitioner of any forcible sexual assault. The petitioner is in custody for 68 days. He seeks for enlargement of the petitioner on bail.
2. Opposing such prayer for bail, learned Advocate for the State submits that the victim at the time of incident was a minor and she was taken away by the petitioner who established physical relationship resulting in her pregnancy. He seeks for dismissal of the bail application.
3. Learned Advocate for the *de facto* complainant leaves the matter to the discretion of this Court.
4. Perused the case diary and the materials on record.

5. The victim at the time of incident was 17 years old. The victim in her statement has stated that she left her house out of her own accord and married the petitioner. The record also shows that the victim has delivered a child. There are no such allegations of forcible sexual intercourse. Under what circumstances the marriage has taken place and the complicity of the petitioner in the said marriage may be examined and tested in trial. The petitioner is in custody for 68 days. 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, Nadia at Krishnagar, 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/Officer-in-Charge of Kaliganj 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) 1853 of 2025** is disposed of.

(Bivas Pattanayak, J.)