

17.02.2025  
Item no. 18.  
Court No.29.  
AB  
(Rejected)

**CRM (DB) 105 of 2025**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mothabari Police Station Case No.455 of 2024 Dated 06.08.2024 under Section 137(2)/140(3) of the B.N.S. 2023 read with Section 4 of the POCSO Act

And

**In the matter of : Soumik Das @ Souvik Das**

**.....Petitioner.**

Mr. M. Chatterjee  
Ms. Suchismita Chakraborty  
Mr. Debapriya Majumdar .....for the Petitioner.

Ms. Shaila Afreen  
Mr. Akash Ganguly .....for the State.

**Dictated by Apurba Sinha Ray, J.**

1. Service report filed by the State, be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.
2. Learned Counsel for the petitioner has submitted that the petitioner is languishing in the judicial custody for six months. He has been falsely implicated as there was an amorous relationship between the petitioner and the victim girl. Considering his period of detention, he may be enlarged on bail on any condition.
3. Learned Counsel for the State opposes the prayer for bail. According to her, there are sufficient incriminating materials in the CD and the statement of the victim girl recorded under Section 183 B.N.S.S. 2023.

4. We have considered the materials on record and the CD. Although the victim girl admitted that initially there was a relationship, but subsequently she realized that she was duped by the petitioner without disclosing that he was a married person. The petitioner fraudulently induced the victim to marry him.
5. We have considered the materials on record. Consent of a minor girl is immaterial so far the alleged marriage between the petitioner and the victim girl is concerned. Considering all aspects, we are not inclined to entertain the petitioner's prayer for bail, at this stage.
6. The prayer for bail is rejected.
7. CRM (DB) 105 of 2025 is dismissed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**