

12.02.2025
Item no.18.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 33 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhadreswar Police Station Case No. 279 of 2024 dated 30.06.2024 under Sections 498A/325/308/34 of the Indian Penal Code and under Sections 4 of Protection of Children from Sexual Offences(POCSO) Act and under Section 9/10 of the Prohibition of Child Marriage Act.**

And

In the matter of : XX.Petitioner.

Mr. Sumon Chakraborty,for the Petitioner.

Mr. Anand Keshari,
Ms. Afreen begum,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was an amorous relationship between him and the victim girl. He is about 18 years of age. The victim is about 15 years old. They got married. He is in custody for about 6 months. Investigation is complete. His further custodial detention is unnecessary.
2. From the affidavit-of-service filed in Court today, we find that the de facto complainant/victim has been served. However, nobody appears for the de facto complainant/victim.
3. The State opposes the prayer. Learned advocate draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. (Section 183

of the Bharatiya Nagarik Suraksha Sanhita, 2023).

She admits that she and the petitioner got married.

4. On an overall consideration of the facts and circumstances of the case and the quality of material available on record, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely, **XX** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Chandernagore, Hooghly, subject to the condition, the petitioner shall remain within the jurisdiction of Bhadreswar Police Station and shall meet the Inspector-in-Charge/Officer-in-Charge of the Bhadreswar Police Station once in a fortnight, until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)