

29.01.2025

Sl. No.07
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 36 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Birpara P.S. Case No. 161 of 2024 dated 23.10.2024 under Section 6 of POCSO Act read with Section 9 of Prohibition of Child Marriage Act.

And

In the matter of : **Ashutosh Mandal.**

... Petitioner.

Mr. Aniruddha Biswas,
Mr. Kanak Mishra,
Mr. Monoj Saha.

...for the petitioner.

Mr. Nilay Chakraborty. Ld A.P.P.
Mr. Biswarup Roy.

...for the State

Mr. Debajit Kundu,

...for the de facto complainant

1. Petitioner is in custody for 84 days. He submits there was a romantic relationship between him and the victim girl. Subsequently, they broke up and he has been falsely implicated. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the *de facto* complainant submits victim a minor and petitioner had cohabited with her on the false promise of marriage.
4. We have considered the materials on record including the statement of the victim. In her statement the victim claimed there was free mixing between the parties. She had cohabited

with him. Subsequently, petitioner discontinued the relationship. When she contacted the petitioner's father, the latter proposed to compensate her through money. Then petitioner again contacted her through a fake social media account and she became aware that petitioner is involved with another girl. The aforesaid circumstances show there was free mixing between two young persons. However, it is not clear whether the cohabitation was out of romantic love or due to false promise of marriage. We are conscious that the victim is a minor and her consent is irrelevant. This issue would be addressed in the course of the trial.

5. Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion further detention for progress of investigation is not necessary and petitioner may be granted bail.
6. Therefore, the accused/petitioner, namely **Ashutosh Mandal**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Special Court, (POCSO Act), Alipurduar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)