

18.11.2025

Item No.DL68
Court No. 4

ALLOWED

Asraf, A.R.(Ct.)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Criminal Miscellaneous Jurisdiction

Appellate Side

Case No. **CRM (M) 204 of 2025**

In re : An Application for Bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 corresponding to
Section 439 of the Code of Criminal Procedure, 1973
filed in connection with Siliguri PS case no.682 of 2024
dated 24.07.2024 under Sections 137(2) and 140(3) of
the Bharatiya Nyaya Sanhita, 2023 adding Section 6 of
the Protection of Children from Sexual Offences Act,
2012 and Section 10 of the Prohibition of Child
Marriage Act, 2006.

-and-

In the matter of :

SAMAR ROY

... ... Petitioner

For the Petitioner :

Mr. Sourav Ganguly
Mr. Gopal Roy
Mr. Bibek Tarafder
Ms. Rishita Chakraborty
Mr. Bibhash Kr. Mandi

... Advocates

For the State :

Mr. Kallol Acharjee
Mr. Biswarup Ray

... Advocates

1. The petitioner renews his prayer for bail.
2. It is submitted learned advocate appearing on behalf of the
petitioner that the petitioner has been falsely implicated. It
is also submitted that the documents more specifically the
forwarding report of the accused would go to show that the
victim was in a relationship with the petitioner. Both of

them voluntarily eloped from their respective houses. Learned advocate for the petitioner further submits that the aforesaid document also shows that the petitioner married the victim and they were living in the same house. Thereafter, the victim was recovered by the police. She made a statement before the learned Magistrate. Learned advocate for the petitioner submits that such statement was recorded being tutored by the parents of the victim after she was recovered by the police. It is submitted that investigation of the case has already ended in chargesheet.

3. Learned advocate for the petitioner refers to several orders passed by the learned Trial Court. He submits that the charge was framed on February 28, 2025. Since then several dates have been fixed in the case but till date no witness has been examined on behalf of the prosecution. He also submits that although the victim was served but did not appear either before this Court or before the learned Trial Court for her deposition. Learned advocate for the petitioner, in support of his contention that the petitioner and the victim got married, submits that there was a prayer filed by the Investigating Officer of this case for adding the provisions of the Prohibition of Child Marriage Act, 2006.
4. Learned advocate for the State refers to the materials in the case diary and submits that the medical examination report

of the victim corroborates the involvement of the present petitioner in the commission of the offences.

5. Heard the submissions made on behalf of both the parties and perusing the materials in the case diary, it transpired that the accused is alleged to have committed rape upon the victim who was aged about 17 years. The victim was recovered by police and she recorded her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. In such statement, the victim stated that she was forced by the petitioner to flee away from her house with the petitioner on a threat that her parents would be killed. She even stated that she was married by the petitioner forcefully and the petitioner used to have physical relationship with her. They started residing in a rented house at Jalpaiguri where the victim has stayed with the petitioner for 28 days.
6. The materials on record will go to show that the victim was produced for recording her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on September 27, 2024. Learned advocate for the petitioner has relied upon the forwarding report where it has been stated that the victim refused to undergo medical examination. Learned advocate for the State refers a medical examination report dated October 4, 2024 which, according to him, it corroborates the incident. The statement of the victim recorded under Section 183 of the Bharatiya Nagarik

Suraksha Sanhita, 2023 goes to show that the victim was aged about 17 years at the time of recording her statement. She has spoken about alleged marriage between the petitioner and herself. There appears no contemporary complaint with any authority when the victim stayed with the petitioner for long 28 days in a rented residence. The petitioner, as stated by learned advocate for the petitioner, is aged about 29 years at the time of occurrence of the alleged offence.

7. Considering the aforesaid circumstances and also taking into consideration that the victim or any witness has not yet been examined at the trial, though several dates have been fixed for examination of the prosecution witnesses, I am inclined to enlarge the petitioner on bail.
8. Hence, the application for bail is **allowed**.
9. Accordingly, I direct that the petitioner shall be released on bail upon furnishing a 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 Additional Chief Judicial Magistrate, Siliguri, subject to condition that the petitioner shall remain present on each and every date fixed before the learned Trial Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

10. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the Trial Court to cancel the bail without further reference to this Court.
11. CRM (M) 204 of 2025 is thus disposed of.
12. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)