

27.11.2025
Sl. No.22
Court No.4
s.biswas

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri
Appellate Side

C.R.M.(M) 271 of 2025

In Re: - An application under Section 482(2) of Bharatatiya Nagarik Suraksha Sanhita, 2023 in connection with **Sahebganj** P.S. Case No. **432/2025** dated **23.07.2025** under Sections **6** of the POCSO Act.

And

In the matter of: De-facto complainant

....Petitioner

Mr. Sanjay Mazoomdar
Ms. Sukanya Adhikary
Mr. N. Tamang

... for the petitioner

Mr. abhijit Sarkar
Mr. Bhaskar Das

...for the State

Mr. Koushik Kumar Kanu

... for the opposite party no.2

1. This is an application for cancellation of bail of the opposite party no.2. The grounds set forth for such cancellation by the petitioner is that the learned court did not consider the materials at the time of granting such bail. The private opposite party was guilty of offence under Prevention of Child Marriage Act. Such facts were not considered by the learned trial court at the time of considering the bail of the opposite party no.2 herein. The petitioner has prayed for cancellation of bail of the private opposite party no.2, granted by learned Special Court (POCSO)-cum-Additional District and Sessions Judge at Dinhata vide order No.4 dated August 25, 2025.

2. Learned advocate for the opposite party no.2 submits that the opposite party no.2 was granted bail by learned trial court upon consideration of all the material facts and circumstances appearing as on the date of such order. Learned counsel for the opposite party no.2 further submits that there are no allegations of post bail misconduct or misuse of privilege of bail against the opposite party no.2. In such circumstances, bail of the opposite party no.2 should not be cancelled.
3. It is also submitted that the instant application has been filed by the petitioner at the instigation of the husband of the victim, who was in custody for non-payment of maintenance to the victim.
4. State is represented.
5. Having heard the submissions made on behalf of the parties and considering the materials placed including the case diary as also the statement of the victim recorded under Section 183 of the BNSS, it transpires that the opposite party no.2 was granted bail on August 25, 2025. Such bail was granted by learned Special Court (POCSO)-cum-Additional District and Sessions Judge, Dinahata, upon consideration of the facts and circumstances of the case as well as the materials in the case diary made available to it. Further, it is not the allegation of the petitioner that the private opposite party no.2 has misused the privilege of bail granted to the opposite party no.2. There is no allegation of any post-bail conduct by the opposite party no.2.
6. In such circumstances, I find no reason to cancel the bail granted to the opposite party no.2 vide order no.4 dated August 25, 2025. The petition is **rejected**.

7. Accordingly, CRM(M) 271 of 2025 is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)