

24.11.2025

Item No.DL62
Court No. 4

ALLOWED

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. **CRM (M) 304 of 2025**

In re : An Application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Sahebganj PS case no.408 of 2025 dated 16.07.2025 under Sections 80 and 85 of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 11 of the Prohibition of Child Marriage Act, 2006.

-and-

In the matter of :

A A A

... ... Petitioner

For the Petitioner :

Mr. Debabrata Ray (via VC)

... Advocate

For the State :

Mr. Kallol Acharjee
Mr. Sagnik Sankar Sikdar
Mr. Kallol Nag

... Advocates

1. The bail prayer of the petitioner is taken up for consideration.
2. The petitioner happens to be the husband of the victim. It is the allegation against the petitioner that the victim was married to the petitioner and he used to inflict torture upon the victim while she was in her matrimonial home.

Ultimately, the victim returned to her father's house having not been able to bear the torture inflicted upon her. At her father's house, the victim committed suicide by hanging. The petitioner has been charged under Sections 80 and 85 of the Bharatiya Nyaya Sanhita, 2023.

3. Learned advocate for the petitioner also submits that the petitioner has been in custody for 130 days. Other two accused persons have been granted anticipatory bail by this Court.
4. Learned advocate for the State relies upon various materials in the case diary and submits that the victim committed suicide within one year and six months of the marriage. The petitioner used to inflict torture upon the victim while she was living in her matrimonial home with the petitioner.
5. Having heard the submissions made on behalf of the parties and on perusal of the materials in the case diary, it transpires that the petitioner is the husband of the victim who committed suicide by hanging at her father's house after returning from her matrimonial home / petitioner's home. Record also goes to show that the investigation of the case has already ended in chargesheet against the petitioner as well as two other accused persons who have already been granted anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, the nature of allegations and also considering the post mortem report as well as the statements recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, I am inclined to enlarge the petitioner on bail.
7. Hence, the application for bail is **allowed**.
8. 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 District and Sessions Judge, POCSO Court, Dinhata, 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.
9. 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.
10. Accordingly, CRM (M) 304 of 2025 is disposed of.
11. Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Md. Shabbar Rashidi, J.)