

27.04.2026.

Item No. 21

Court No.7

ap

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.R.M. (M) 92 OF 2026

In the matter of: an application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 07.04.2026 in connection with Jalpaiguri Women Police Station Case No. 17 of 2026 dated 12.02.2026 under Section 69 of the Bharatiya Nyaya Sanhita, 2023 adding Section 6 of POCSO Act, 2012.

And

In re: Md Firoz Islam @ Md. Firoj Islam. ... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Jasmin Haque,
Ms. Priti Das. for the petitioner.

Ms. Esha Acharya,
Mr. Sampad Das. ...for the de facto complainant.

Mr. Tapan Bhattacharjee,
Mr. Kallol Nag. for the State

1. Heard the learned counsel appearing on behalf of the parties. Perused the case diary.
2. The application for bail is canvassed on the ground that the victim and the applicant had a romantic love affair with each other. Both of them had applied for and registered themselves for a marriage to be executed before a Marriage Registrar on 20th December, 2025.
3. Learned Counsel for the petitioner submits that his client is in custody for 74 days and charge-sheet has been submitted but charges have not been framed as yet.
4. There is, therefore, a presumption that the victim girl was a major since the application for registration of marriage is accepted by the authorities.

5. Learned Counsel for the de facto complainant, however, aggressively argued that the birth certificate of the victim indicating her date of birth as 29th November, 2007 would show that the victim was less than 18 years of age as on the date of cohabitation.

6. Learned Counsel for the State has produced the case diary in which the statement under Section 164 of the Code of Criminal Procedure made by the victim girl appears to be against the petitioner.

7. The entire episode starting with the cohabitation with the petitioner and her pregnancy which resulted in miscarriage of thereafter, the date applied for registration of marriage and the failure on the part of the applicant to turn up for formalizing the marriage, indicate in no uncertain terms as follows:

(a) The alleged victim and the applicant were involved in a romantic relationship and were planning to get married.

(b) The cohabitation between the victim and the applicant was voluntarily and even on the promise of such marriage, the victim may have developed hostility against the applicant for his refusal to marry her.

(c) There are several defences available to the applicant in law which need not be discussed at this stage. The actual facts would emerge only in course of trial.

8. However, in the facts and circumstances of the case, this Court is of the view that the applicant is entitled to be enlarged on bail.

9. Let the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the Learned Judge, Special Court under POCSO Act, Jalpaiguri subject to the condition that after release, the petitioner shall not leave the jurisdiction of Jalpaiguri Kotwali Police Station without the prior approval of the Inspector-in-charge of that Police Station and also on the condition that the petitioner shall attend the Court below on all the dates, as specified for hearing. He shall also not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

10. It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail bonds in accordance with law without any further reference to this Court.

11. Case Diary be returned.

12. The sealed cover containing FIR and the complaint are kept back in the records duly resealed.

13. C.R.M. (M) No. 92 of 2026 is, thus, disposed of.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)