

12.02.2026

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jdt.

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 416 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Naxalbari
Police Station Case No. 146 of 2025 dated 20.08.2025 under
Section 6 of the POCSO Act read with Sections 9 and 11 of
Prohibition of Child Marriage Act..

And

In Re : Abhijit Nagesia

Mr. Sandip Mandal

Mr. Amit Shah

Ms. Poonam Kaur

... For the Petitioner.

Mr. Nilay Chakraborty

Mr. Dhiman Sil

... For the State

Mr. Abhilash Mittal

... For the Victim

Heard learned counsels for the parties.

The petitioner is in custody for more than 100 days
and submits that there was love affair between the petitioner
and the victim and as a result the victim voluntarily went to
the petitioner's house. She was in the family way due to
such relationship and has given birth to a child and is
residing in the petitioner's house at present.

Learned counsel for the victim concedes to the
submission made on behalf of the petitioner.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It is a fact that the victim was 15 years of age at the relevant time. However, she left her home voluntarily and is presently residing in the petitioner's house. After marrying the petitioner, she has given birth to a child. Offences alleged against the petitioner shall be dealt with at the appropriate stage of trial. Since charge sheet has been submitted and also in view of the factual situation stated hereinabove, this Court is inclined to hold that further detention of the petitioner is not required. He may be released on bail.

The prayer for bail is allowed.

The petitioner namely Abhijit Nagesia shall 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 Special Judge (POCSO Act), Additional Sessions Judge, 1st Court at Siliguri subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM(M) 416 of 2025 is disposed of.

Case diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)