

31.01.2025

Sl. No.05
SG
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) 39 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Matigara P.S.
Case No. 500 of 2024 dated 24.08.2024 under Section 6 of POCSO
Act.

And

In the matter of : **Md. Tahirul.**

... Petitioner.

Mr. Arijit Ghosh.

...for the petitioner.

Mr. Sourav Ganguly,
Mr. Dhiman Sil.

...for the State

Mr. Kumar Shantanu.

...for the de facto complainant

1. Petitioner submits there was a romantic relationship between the parties. They had married out of love. When the victim became pregnant, she went for medical assistance and FIR came to be registered. He is in custody for 84 days. Accordingly, he prays for bail.
2. Learned Advocate for the State submits victim is a minor and had become pregnant due to cohabitation.
3. Learned Advocate for the *de facto* complainant-victim submits there was a romantic relation between the parties. Victim became pregnant and a child has been born to the couple.
4. We have considered the materials on record. In light of the submissions made at the bar, we note though victim is a minor,

there was free mixing out of love and affection and a child has been born to the couple. Parties are living together.

5. In light of the aforesaid circumstances, we are of the opinion no worthwhile purpose would be served in continuing the detention of the petitioner.
6. Therefore, the accused/petitioner, namely **Md. Tahirul**, 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 Judge Special Court, (under POCSO Act), Siliguri, Darjeeling subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
7. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)