

28.07.2026

Serial no. 46

BP

(*allowed*)

***IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI***

CRM (M) No. 198 of 2026

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with PTN Case No. 40
of 2026 (PTN POCSO No.40 of 2026) arising out of Ghoksadanga
Police Station Case No. 295 of 2026 dated 13.06.2026, alleged
offence under section 6/17 of POCSO Act read with Section 9/10/11
of the Prohibition of Child Marriage Act.

-And-

In the matter of : Azizul Miya

... .. Petitioner

Ms. Madhushri Dutta
Mr. Amitava Debnath

... .. *For the Petitioner*

Ms. Srishti Sarker
..for the de-facto complainant

Mr. Avrojoyti Das, Ld. APP
Mr. Gobinda Ghosh
Mr. Rajdeep Das
... ..For the State

1. The petitioner happens to be the father of the principal
accused who is alleged to have sexually assaulted the
victim.
2. It is submitted by the learned advocate for the petitioner
that the victim was in fact married to the son of the
present petitioner one year ago. The son of the petitioner
and the victim were residing in matrimony and the victim

became pregnant out of such relationship. When the petitioner went for her medical examination for such pregnancy, a complaint was lodged by the attending doctor giving rise to the instant case. He submits that in any case the provisions of Protection of Children from Sexual Offences Act is not attracted as against the present petitioner, he being the father of the alleged principal accused. At best he may be held responsible for the offences punishable under Section 9/11 of the Prohibition of Child Marriage Act. The petitioner has been in custody for 44 days.

3. Learned advocate appearing for the State opposes the prayer for bail.
4. No objection is raised by the learned advocate appearing for the de-facto complainant.
5. In the aforesaid facts and circumstances of the case, the petitioner may be enlarged on bail.
6. 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 Sessions Judge cum Special Court (under POCSO Act), Mathabhanga subject to condition that the petitioner shall appear before the learned trial court on

every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

7. 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.
8. The prayer for bail of the petitioner is **allowed**.
9. CRM(M) 198 of 2026 is **disposed of**.

(Md. Shabbar Rashidi, J.)