

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

CRM(SB)/8/2026

In Re: An application for bail under section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with PS
Diglipur in FIR No.89 of 2025 dated 10.12.2025 under
section 5j(ii)/5(l)/6 of POCSO Act, 2012.

C.Vinoj Kumar

Vs.

The State and another

Mr. D. Ilango ... for the petitioner

Mr. Sumit Kumar Karmakar ... for the State

Ms. Shipra Mondal ... for the respondent no.2/VG

April 20, 2026
[SR]
Item No.2

1. Learned counsel for the petitioner points out that the petitioner married the victim girl when she was around 17 years and 8 months old. Subsequently, they are leading their conjugal life together. However, on the complaint of the doctor who was approached by the victim girl at the time of her pregnancy, the petitioner has been arrested under the POCSO Act.

2. In such circumstances, it is submitted that the petitioner be granted the benefit of bail.

3. Learned counsel appearing for the victim girl also supports the contention of the petitioner.

4. Learned counsel appearing for the State raises objection to the bail application on the ground that the victim girl had not attained majority at the juncture when the alleged offence was

committed and as such, the rigours of the Protection of Children from Sexual Offences (POCSO) Act, 2012 are applicable.

5. This Court finds from the records and submissions of the parties that the FIR was registered and a criminal case started on the basis of the complaint lodged by the doctor whom the victim girl had approached at the time of pregnancy.

6. However, from the circumstances of the case, it transpires that the relationship was consensual and the victim girl had almost reached the age of consent at the time of the alleged offence. Moreover, the petitioner as well as the victim girl are living as spouses and the victim girl herself supports the prayer for the grant of bail. Thus, no effective purpose would be served in retaining the petitioner behind the bar. Also, investigation has already been concluded and charge sheet submitted. Thus, the Court does not find any chance of a repeat offence being committed by the petitioner.

7. In such circumstances, the petitioner ought to be granted the benefit of the bail.

8. Hence, CRM(SB)/8/2026 is allowed on contest, thereby granting bail to the petitioner on condition of the petitioner furnishing bond of Rs.1,000/- (Rupees One Thousand only) with two sureties of like amount each, one of whom must be a local, subject to the satisfaction of the learned Chief Judicial Magistrate, Mayabunder.

9. As additional condition of bail, the petitioner shall not make any attempt to tamper with the evidence during the period of trial

and shall make himself available as and when called upon by the Trial Court to do so.

10. Furthermore, the petitioner shall not leave the territorial jurisdiction of the Trial Court throughout the period of trial without prior leave of the jurisdictional Court.

(Sabyasachi Bhattacharyya, J.)