

26.  
Court  
No.29  
(Allowed)

19.11.2024  
  
(Pritam)

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3054 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Paikar** Police Station Case No. **62/2024** dated **06.03.2024** under Sections **363/376D/120B** of the Indian Penal Code, 1860 and Sections **6(1)** of the POCSO Act.

And

In the matter of: - **Barkatulla Sekh @ Badsha Sekh.**  
...petitioner.

Mr. Pawan Kumar Gupta,  
Ms. Sofia Nesar,  
Mr. Santanu Seth

...for the petitioner

Mr. Joydeep Roy,  
Ms. Debolina Das

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on June, 24, 2024, on the ground of parity, citing an order dated August 22, 2024 passed by this Bench in CRM 2473/2024. He says that he stands on the same footing as the petitioner in CRM 2473/2024, namely, Raja Sk. @ Raja Sekh.
2. Learned Advocate for the State opposes the bail prayer but in his usual fairness, does not dispute that this petitioner and the said Raja Sk. @ Raja Sekh are similarly circumstanced.

3. Hence, on the ground of parity, we **allow** the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Barkatulla Sekh @ Badsha Sekh** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court (POCSO), Rampurhat, Birbhum. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of the district Birbhum, except for the purpose of attending the court proceedings and meeting the Officer-in-Charge of Paikar Police Station, until further orders. The petitioner shall report to the Officer-in-Charge of Paikar Police Station once every fortnight, until further orders. The petitioner, through his learned advocate, shall inform the learned trial Court as well as the Officer-in-Charge of Paikar Police Station his present local address where he would be residing while on bail.
5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.
6. The application for bail being CRM (DB) 3054 of 2024 is, thus, disposed of.

7. Learned Advocate says that prayer has been made on behalf of the State before the learned trial Court for learned trial Court for further investigation and for TI parade. This order will not stand in the way of any of such exercise that the State wants to undertake if the learned trial Court permits further investigation and holding of TI parade, the petitioner shall render full cooperation in that regard.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**