

35.
17-02-2025
(ct. no.29)
pg/RUP
(allowed)

CRM (DB) 281 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Bally Police Station Case No.36 of 2023 dated 27-03-2023 under Sections 341/342/376D/34 of the Indian Penal Code read with Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012.

- A n d -

In the matter of : Somenath Roy @ Somnath Roy
.... Petitioner.

Mr. Sajis Halder

... For the Petitioner

Ms. Manisha Sharma
Mr. Tirupati Mukherjee

... For the State

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the record. In spite of service, none appears on behalf of the defacto complainant/victim.

2. The petitioner claims parity citing an order dated January 30, 2025 passed by us in CRM (DB) 4062 of 2024, whereby we had enlarged a co-accused person by the name of Rajib Naskar @ Raja on the ground of delay in trial and long custodial detention of that person.

3. The petitioner says that he stands on the same footing. He is in custody for one year ten months.

4. Learned State advocate, while opposing the prayer, in her usual fairness, does not dispute, that this petitioner is

similarly circumstanced as the said Rajib Naskar @ Raja insofar as the period of detention and delay in trial are concerned.

5. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Somenath Roy @ Somnath Roy**, 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 under POCSO Act, Howrah. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial limits of Howrah Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge of the Howrah Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Bally Police Station and Howrah Police Station his current local address at Howrah where he shall be residing while on bail.

7. In the event the petitioner fails to comply with any of the conditions stipulated above without any justifiable cause, the learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

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

10. 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.)