

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 410 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Chhatna** Police Station Case No. **90/2019** dated **22.10.2019** under Sections **376(2(i)(j))/376(D)/328** of the Indian Penal Code, 1860, read with Sections 4/8 of POCSO Act, 2012.

And

In the matter of: - **BIJOY SOREN**

...petitioner.

Mr. Arup Kundu

...for the petitioner.

Mr. Iqbal Kabir

Mr. Arup Sarkar

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 16, 2024, passed by a co-ordinate Bench in CRM (DB) 1897 of 2024 and two orders dated January 20, 2025, passed by this Bench in CRM (DB) 3990 of 2024 and CRM (DB) 4280 of 2024, respectively, whereby three co-accused persons by the names of Sukhendu Saren @ Sukhen, Sanat Soren and Robindra Nath Kisku were granted bail, primarily on the touchstone of Article 21 of the Constitution of India. The accused persons in those cases were in custody for about five years. The petitioner says that he stands on the same footing as those accused persons as he is also in custody for about five years.
2. From the affidavit of service filed in Court today we find that notice of this bail application has been received by the *de facto* complainant/victim. However, nobody appears for them.
3. Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is

similarly circumstanced as the aforesaid three accused persons, insofar as the period of detention and delay in trial are concerned.

4. Hence on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **BIJOY SOREN**, 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 the learned Judge, Special Court (under POCSO Act), Bankura, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 410 of 2025 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)