

CRM (DB) 429 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Eco Park Police Station** Case No. **87 of 2023** dated **28.04.2023** under Sections **3/4/5/7** of the Immoral Traffic (Prevention) Act and Sections 4/6/17 of the POCSO Act.

- A n d -

In the matter of : Suva Boral @ Subho Baral

.... Petitioner.

Mr. Deepak Prahladka,
Ms. Pompey Bose,
Mr. Santanu Kr. Sen,
Ms. Reshmi Khatun,

... For the Petitioner.

Mrs. Manisha Sharma,
Mrs. Eshita Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The petitioner claims parity citing an order dated November 13, 2024 passed by the Hon'ble Apex Court in petition for Special Leave to Appeal (Criminal No.) 14141 of 2024, whereby the Hon'ble Apex Court was pleased to enlarge on bail a co-accused person by the name of Md. Mohinuddin @ Md. Mohiuddin, only on the ground that he had undergone incarceration for more than one and half years. The petitioner says that he is in custody for one year nine months.
4. The petitioner further refers to an order dated February 21, 2025 passed by a coordinate Bench in CRM (DB) 4359 of 2024, whereby another co-accused person by the name of Imraj Haque Molla was enlarged on bail following the aforesaid Hon'ble Apex Court order.

5. Hence, on the ground of parity, we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Suva Boral @ Subho Baral**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the POCSO Act, Barasat, North 24 Parganas subject to condition that he shall appear before the 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Prasenjit Biswas, J.**)

(**Arijit Banerjee, J.**)