

13.03.2025
Item no.21.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 451 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali Police Station Case No. 462 of 2023** dated **14.06.2023** under **Sections 363/366A/370/370A/372/373/120B/34** of the Indian Penal Code read with **Sections 6/17** of the Protection of Children from Sexual Offences Act (POCSO), 2012 read with **Sections 3/4/5/6/7/9** of the Immoral Traffic (Prevention) Act, 1956.

And

In the matter of : Sujit Das.Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Sumon Das Adhikari,
Mr. Madhurai Sinha,
Mr. Ranabeer Halder,for the Petitioner.

Mr. Antarikhya Basu,
Mr. Rajashree Tah,for the State

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records. In spite of service, nobody appears for the de facto complaint/victim.
2. The petitioner claims parity citing an order dated January 20, 2025, passed in CRM (DB) 3814 of 2024, whereby, a co-accused person by the name of Koushik Maity was enlarged on bail. The petitioner says that he stands on the same footing as Koushik Maity.
3. Learned State advocate, while opposing the prayer for bail, in her usual fairness, does not dispute that the petitioner is similarly circumstanced as Koushik Maity.

4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Sujit Das** 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 Judge, Special Court (under POCSO Act), Paschim Medinipur and on further 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, until further orders 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 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)