

28.03.2025
Item no. 39.
Court No.29.
AB
(Allowed)

CRM (DB) 587 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nandigram Police Station Case No.565 of 2024 Dated 25.06.2024 under Section 363/365/34/376(2)(n)/376(3) of the Indian Penal Code read with Sections 6(1) of the POCSO Act

And

In the matter of : Soumen Barik

.....Petitioner.

Mr. Navanil De
Mr. Subhrajit Dey

.....for the Petitioner.

Mr. Bitoshok Banerjee
Mr. Atulya Sinha

.....for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated March 13, 2025.
2. We had recorded in that order that the victim girl's version as recorded in her evidence before the learned Trial Court is different from what she stated before the Magistrate while recording her statement under Section 183 B.N.S.S. 2023. The victim girl also refused to undergo medical examination.
3. Pursuant to our direction contained in the earlier order, the Director of FSL, Kolkata has made available the FSL report and the same be kept with the records.
4. The report is to the effect that no opinion could be formed regarding the paternity test.

5. In view of the aforesaid and keeping in mind the period of detention of the petitioner and that an early conclusion of the trial is highly improbable, given that there are 12 charge sheet named witnesses, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **SOUMEN BARIK** 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 the POCSO Act at Haldia, Purba Medinipur, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. 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 and/or commit any cognizable offence in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)