

February 26, 2025

1 ARDR

Allowed

CRM (SB) 24 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Duttapukur** Police Station Case No. 1110 of 2022 dated 12/11/2022 under Sections 341/323/325/354/506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Soumen Mitra @ Suman

... Petitioner.

Adv. Moyukh Mukherjee,
Adv. Koustav Lal Mukherjee,
Adv. Sarmistha Basak,

... For the Petitioner.

Adv. Iqbal Kabir,
Adv. Subhasish Datta,

... For the State.

Report submitted by the State is taken on record.

None appears for the private opposite party despite service.

The petitioner seeks parity with co-accused Santu Das @ Subhojit who was granted bail earlier. The petitioner's prayer under Section 438 of the Code of Criminal Procedure was rejected earlier.

Learned counsel for the petitioner submits that the petitioner is in custody for about two years. The victim girl and her mother/ defacto complainant have been examined. The supplementary charge sheet submitted by the investigating officer exonerates the petitioner.

Learned counsel for the State produces the Case Diary and opposes the prayer for bail.

It appears that the petitioner is in custody for about two years. One of the co-accused who is similarly circumstanced with

the petitioner is on bail. The victim girl and her mother/defacto complainant have been examined.

Considering the period of detention of the petitioner, stage of the proceeding as well as the material available on record including the supplementary charge sheet submitted by the investigating officer, this Court is inclined to hold that further detention of the petitioner is not required and he may be granted bail on stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely, Soumen Mitra @ Suman be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special POCSO Court, Barasat subject to the condition that the petitioner shall remain outside the jurisdiction of Duttapukur Police Station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the officer in charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application for bail, being CRM (SB) 24 of 2025, is, thus, disposed of.

Case Diary be returned.

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

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)