

17.04.2025
Item No.11.
Daily List
Court No.39
(Allowed)
Mithun

CRM (DB) 907 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Daspur Police Station Case No.333 of 2024 dated 28.06.2024 under Sections 341,323, 307, 354(B), 379, 506 & 34 of the Indian Penal Code, 1860 read with Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No.35 of 2024.

-And-

In the matter of : Soumen Bag & Anr.

... Petitioners

Mr. Siddhartha Sarkar,
Mr. Akash Ghosh

...for the petitioners

Mrs. Sujata Das,
Ms. Nahid Ahmed

... ..For the State

Service report filed on behalf of the State is taken on record. It is found that service has been effected upon the victim.

Learned Advocate for the petitioner submits that on the date of occurrence, as per the written complaint, there was free fight amongst the parties. There are no such allegations of any sexual assault by the petitioners upon the victim. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and submits that as per the statement of the victim, there are allegations against the petitioners of their involvement in the alleged offence. Medical report also shows that victim and her mother sustained injuries. She seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The statement of the victim shows that on the date of occurrence, the petitioners assaulted the victim. There are no such allegations of any sexual assault upon her. The injury report does not reveal any serious injury. More so, after completion of investigation, charge-sheet has been submitted in this case. Considering the aforesaid, this Court is inclined to enlarge the petitioners on bail.

The petitioners, namely, **Soumen Bag** and **Srimanta Bag @ Shrimanta Bag** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Special Judge (POCSO) Court at Ghatal, Paschim Medinipur. The petitioners shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall not enter within the jurisdiction of Daspur Police Station

except for the purpose of attending court proceedings until further orders.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial Court to cancel the bail without further reference to this Court.

Accordingly, ***CRM (DB) 907 of 2025*** is disposed of.

(Bivas Pattanayak, J.)