

15.05.2025
Item No.20(DL)
Court No.39
srm
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M.(DB) 1070 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Court Case No.3 of 2025 arising out of Chakdah Police Station Case No.838 of 2023 dated 25.11.2023 under Sections 363/365 of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the Court of the learned Additional Sessions Judge, Kalyani, District-Nadia being the learned Judge, Special Court, POCSO Act, Kalyani, District-Nadia;
-And-

In the matter of : Suman Roy

... Petitioner

Mr. Shibaji Kumar Das,
Mr. Kushal Kumar

...for the Petitioner.

Mr. Partha Pratim Das,
Mr. Abhinaba Mukherjee

... ...for the State.

Mr. Samrat Choudhury

...for the *de facto* complainant.

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs and they have also married each other and living in the matrimonial home. There no such incriminating materials against the petitioner. Upon completion of investigation, charge sheet has been submitted in this case and the petitioner is in custody for 87 days. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State opposes such prayer for bail and seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of the Court.

Perused the case diary and the materials on record.

The statement of the victim girl does not implicate the petitioner of any forcible sexual assault. Upon completion of investigation, charge sheet has already been submitted. The petitioner is in custody for 87 days. In view of the above, I am inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Suman Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-ADJ, Kalyani, Nadia subject to the condition that the petitioner shall appear before the learned Trial Court on every date of hearing until further orders 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.

Accordingly, the application for bail being **CRM (DB) 1070 of 2025** is disposed of.

(Bivas Pattanayak, J.)