

22.04.2025
Item No.10.
Daily List
Court No.39
(Allowed)
Mithun

CRM (M) 54 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No.67/2023 arising out of Eco Park Police Station Case No.87 of 2023, dated 28.04.2023 under Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 corresponding to ST Case No.16(09) 2023.

-And-

In the matter of : Abir @ Somnath Naiya

... Petitioner

Mr. Deepak Prahladka,
Mr. Santanu Kumar Sen,
Ms. Reshmi Khatun

...for the petitioner

Ms. Z.N.Khan,
Ms. Jonaki Saha

... ...For the State

Service report filed on behalf of the State is taken on record. In spite of service, none appears on behalf of the *de facto* complainant/victim.

Learned Advocate for the petitioner submits that the co-accused Suvo Boral @ Subho Boral has been granted bail by this Hon'ble Court in CRM (DB) 429 of 2025. The petitioner stands on the same footing as under similar offences charges have been framed. The petitioner is in custody for one year ten months. He seeks for enlargement of the petitioner on bail. He files a copy of order dated 29th September, 2023 of the learned trial court, which is taken on record.

Opposing such prayer for bail, learned Advocate for the State submits that the petitioner was identified in T.I.Parade. She seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

It is found that the petitioner is in custody for one year and ten months. Co-accused Suvo Boral @ Subho Boral has been granted bail by the Division Bench of this Court in CRM (DB) 429 of 2025. The petitioner stands on the same footing and similar charges as of the aforementioned co-accused has been framed against this petitioner. Hence, on the ground of parity, this Court is inclined to enlarge the petitioner on bail.

Accordingly, the petitioner, namely, **Abir @ Somnath Naiya** 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 Special Judge (POCSO) Court at Barasat, North 24 Parganas subject to condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge of the concerned police station once in a fortnight until further orders.

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 in any manner whatsoever.

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.

Accordingly, **CRM (M) 54 of 2025** is disposed of.

(Bivas Pattanayak, J.)