

07.07.2025
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Court No.42
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(Allowed)

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

C.R.M.(R) 68 of 2025

In Re: An application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Rahara P. S. Case No. 72 of 2025 dated 16.03.2025 under Section 8 of the POCSO Act and Section 351(2) of BNS, 2023 now pending before the learned Special Judge (POCSO Act), Barrackpore, North 24 Parganas.

In Re : **Bancha Sarkar**

.... Petitioner

Mr. Debasis Kar,
Ms. Suhana Parvin

... for the Petitioner

Ms. Zareen Nasim Khan,
Mr. Nirupam Dhali

...for the State.

Ms. Susmita Sarkar

... for the *de facto* complainant

Service report filed by the State is taken on record.

Learned Advocate for the petitioner submits that the allegation made in the written complaint is not at all conceivable. The petitioner was inside his house and grill gate was locked and as such under no stretch of imagination the petitioner could have committed the alleged offence against victim who was playing outside the house. The petitioner is in custody for more than three months. Charge sheet in the present has already been submitted. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim clearly implicates the petitioner. She seeks for dismissal of the bail application.

Learned Advocate appearing on behalf of the *de facto* complainant submits that the victim was called by the petitioner and thereafter, he sexually assaulted her. She seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The FIR shows that the petitioner was inside his house and the grill gate was locked and the victim was called by the petitioner and thereafter the offence has been committed. The circumstances as narrated may be examined and tested in trial. The petitioner is in custody for more than three months and charge sheet, in the present case, has already been submitted. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner, namely **Bancha Sarkar** 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 Act), Barrackpore, North 24 Parganas. The petitioner 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 petitioner shall meet the Inspector-in-Charge of Rahara Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Rahara Police Station except for the purpose of

attending court proceedings and for reporting to the Inspector-in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the addresses where he shall presently reside before the learned trial court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside.

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 (R) 68 of 2025** is disposed of.

(Bivas Pattanayak, J.)