

01.08.2025
Item No.02.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (M) 906 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with S.T. Case No.02(09)24 in Special Case No.80 of 2024(GR Case No.1476 of 2024) arising out of Madhyamgram Police Station Case No.367 of 2024 dated 29.05.2024 under Sections 363 of the Indian Penal Code, 1860, subsequently charge sheet submitted under Sections 363/365/376(2)(n)(3) of the Indian Penal Code, 1860 read with Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 read with Section 9 of the Prohibition of Child Marriage Act, 2006 pending before the Court of the learned Judge, Special POCSO Act at Barasat, North 24-Parganas..

-And-

In the matter of : Bijoy Barui

... Petitioner

Mr. Susnigdho Bhattacharyya,
Ms. Sarmistha De

... For the Petitioner

Mr. Partha Pratim Das,
Mr. Santanu Talukdar

... For the State

Service report filed on behalf of the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. There are no such incriminating materials against the petitioner who is in custody for more than 1 year 1 month. He seeks for enlargement of the petitioner on bail.

Opposing such prayer for bail, learned Advocate for the State submits that the victim at the time of incident was 14

years of age and she was taken away by the petitioner. The medical report shows of multiple sexual intercourse. He seeks for dismissal of the bail application.

Despite service, none appears on behalf of the *de facto* complainant.

Perused the case diary and the materials on record.

The victim in her statement states that she out of her own accord left with the petitioner. There are no such implication of any forcible penetrative sexual assault. The petitioner is in custody for more than 1 year 1 month. After completion of investigation, charge-sheet has been submitted in this case. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Bijoy Barui** 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 POCSO Court at Barasat, North 24 Parganas. subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a fortnight until further orders. The petitioner shall not enter the jurisdiction of Madhyamgram Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address 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. The petitioner shall appear before the learned Trial Court

on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner 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.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **CRM (M) 906 of 2025** is disposed of.

(Bivas Pattanayak, J.)