

09/10/2025

D/L-4

VB

Ct. No.7

(Aritra)

C.R.M.(M) 1775 of 2025

Allowed

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with English Bazar Police Station Case No.1219 of 2025 dated 13/06/2025 under Section 4 of POCSO Act, read with Section 351(2) Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : **Suraj Sarkar**

... Petitioner

Mr. Sararup Purakayastha,
Mr. Musharaf Alam Sheikh
Mr. Abhishek Chakraborty

....for the petitioner

Ms. Shaila Afrin

....for the State

Mr. Amit Roy

....for the *de facto* complainant

1. The learned advocate for the petitioner, learned advocate for the State and learned advocate for the *de facto* complainant are present.
2. Heard the learned advocates for the parties.
3. Perused the materials of the case diary.
4. The petitioner is in the instant case is charged under Section 4 of the POCSO Act read with Section 351 (2) of the BNS.
5. The learned advocate for the petitioner submits that the instant complaint is lodged after a period of 15 days and

the petitioner is falsely implicated in the instant case for the purpose of harassment.

6. The learned advocate for the *de facto* complainant raised strong objection for grant of bail.
7. The learned advocate for the State of West Bengal refers to relevant materials in the case diary.
8. Upon considering the materials in the case diary, this Court is of the view that although it would not be proper to make any observation with regard to the merits of the case it is necessary to decide as to whether the petitioner should be granted bail. The petitioner is already in custody for 116 days and the date fixed for examination of victim girl is on 15/10/2025. Upon further perusing the age of the petitioner which is 21 years and the period of detention, this Court is of the view that as there is no reason for apprehension to abscond or tampering with the witnesses, the petitioner should be granted an opportunity to remain on bail after the deposition of the victim girl is over.
9. Thus the petitioner be released on bail upon condition of two sureties of Rs.10000/- each one of which must be local subject to the satisfaction of the learned trial court. The petitioner upon being released shall not enter into the area of the victim girl and where the witnesses are reside and shall not leave the jurisdiction of the Court and shall

not do any criminal activity and shall be present on all date fixed.

10. However, this order of bail shall take effect after the deposition of the victim girl is over.
11. The learned trial court is requested to ensure that the deposition of the victim girl is completed within a period of 3 weeks from the next date fixed.
12. The personal appearance of the I.O. is recorded and dispensed with.
13. Accordingly, the prayer for bail is allowed.
14. The application being CRM(M) 1775 of 2025 is disposed of.
15. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(BISWAROOP CHOWDHURY, J.)