

January 29, 2025

1 ARDR  
**Allowed**

**CRM (SB) 15 of 2025**

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Duttapukur** Police Station Case No. 1110 of 2022 dated 11/12/2022 under Sections 341/323/325/ 354/506/34 of the Indian Penal Code and under section 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Santu Das @ Subhojit

... Petitioner.

Adv. Moyukh Mukherjee,  
Adv. Kaustav Lal Mukherjee,  
Adv. Sarmistha Basak,

... for the Petitioner.

Adv. Sobhendu Sekhar Roy,  
Adv. Amarendra Chakraborty,

...for the defacto complainant.

Adv. Sanjay Bardhan,  
Adv. Pritha Pal,

... For the State.

Heard learned counsels for the parties.

Perused the Case Diary.

Learned counsel for the petitioner submits that the petitioner is in custody for little more than one year and eleven months. Trial has commenced and examination in chief of the victim girl and her mother/defacto complainant is complete. The investigating officer has submitted supplementary charge sheet upon receipt of video footage of the place of occurrence on the relevant date which exonerates the petitioner.

Learned counsels for the opposite parties raise objection to the prayer.

Learned counsel for the defacto complainant submits that the prayer for anticipatory bail of the petitioner was turned down by the Hon'ble Division Bench of this Court earlier.

It appears that the petitioner is in custody for more than one year and eleven months. The victim girl and the defacto complainant have been examined in chief.

The prayer of the petitioner under Section 438 of the Code of Criminal Procedure was turned down at the initial stage.

Upon consideration of the period of detention of the petitioner, stage of the trial and the supplementary charge sheet submitted by the investigating officer, this Court is of the view that further detention of the petitioner is not required and the petitioner may be released on bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner, namely, Santu Das @ Subhojit, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special POCSO Court, Barasat subject to the condition that the petitioner shall remain outside the jurisdiction of Duttapukur Police Station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the officer in charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned trial Court on every date of hearing fixed by the Court 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.

The application for bail, being CRM (SB) 15 of 2025, is, thus, disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Suvra Ghosh, J.)**