

50. 20.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4092 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Chhatna** Police Station Case No. **90/2019** dated **22.10.2019** under Sections **376(2)(i)(j)/376(D)/328** of the Indian Penal Code, read with Sections **4/6** of POCSO Act, 2012.

And

In the matter of: - **Samarendra Saren**

...petitioner.

Mr. Soumik Ganguli
Ms. Trisha Rakshit

...for the petitioner.

Mr. Arindam Sen

...for State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records. In spite of service nobody appears for the *de facto* complainant/victim.
2. The petitioner claims parity citing orders dated August 16, 2024, passed in CRM (DB) 1897 of 2024 and September, 25, 2024, passed in CRM (DB) 2825 of 2024, respectively, whereby co-accused persons by the name of Sukhendu Saren @ Sukhen and Bhupendra Soren were granted bail by co-ordinate Benches of this Court. The petitioner says that he stands on the same footing as those persons, insofar as the issue of delay in trial is concerned. He is in custody for more than five years.

3. While opposing the prayer for bail learned State Advocate, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the two persons, namely, Sukhendu Saren @ Sukhen and Bhupendra Soren, insofar as the period of detention and delay in progress of trial are concerned.
4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Samarendra Saren** shall 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 local, to the satisfaction of the learned Judge, Special Court (under POCSO Act)-cum-ADJ, 2nd Court, Bankura, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (DB) 4092 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)