

IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

30.04.2025
(ct. no.03)
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BR

CRM (DB) 203 of 2025

In Re : An application for bail under section 439 of the Code of Criminal Procedure Code, 1973.

And

In the matter of : Tapan Barman

.... Petitioner.

Mr. Arunava Paul

... For the Petitioner

Mr. Ujjwal Luksom

... for the State.

1. The prayer for bail in this case arises out of an order dated 12.02.2024 passed by the Special (POCSO) Judge at Siliguri in Special (POCSO) Case No. 48 of 2021 corresponding to Phansidewa Police Station Case No. 377 of 2021 dated 10/08/2021 under Section 6 of the POCSO Act.
2. The petitioner claims bail on ground of long detention and the trial having not progressed. **The petitioner is in custody since 10.8.2021. More than 1300 days.** Admittedly only one witness (P.W.1) has been examined in part till date. Next date for trial is fixed on 24.12.2025 (e-Courts).
3. It appears from the materials on record that the victim in this case was aged about 17 years at the time of the alleged offence and in her statement before the Magistrate admitted that **she was in a love relationship with the accused.**

4. Perused the materials in the case diary as placed by the State and heard the parties.
5. The Supreme Court in **Deshraj alias Musa vs. State of Rajasthan & Anr. reported in 2024 SC OnLine SC 2709**, considered a case similar to the present case, wherein the accused aged about 18 ½ years and the victim aged 16 years were in a consensual relationship and granted bail to the accused.
6. The petitioner herein is in custody for more than 1300 days and the next date for evidence is fixed on 24.12.2025.
7. Thus considering the age of the parties herein, the stage of trial and the statement of the victim girl and also relying upon the judgement of the Supreme Court in **Deshraj alias Musa(supra)**, this court directs that the petitioner **Tapan Barman** be released on bail of Rs.20,000/- with two sureties of Rs.10,000/- each **one of which must be local** with condition that he shall attend the court during trial diligently and shall not misuse the liberty granted to him, failing which the Trial Judge shall be at liberty to proceed in accordance with law.
8. The petitioner shall not leave the jurisdiction of Darjeeling district without prior permission of the learned trial Court.

9. CRM (DB) 203 of 2025 stands disposed of.

10. Copy of this order be sent to the learned Trial Court at once.

11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Shampa Dutt (Paul), J.)