

17.06.2025
Item no. 23.
Court No.2.
Rakib
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (M) 112 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Boxirhat Police Station Case No. 98 of 2017 dated 07.06.2017 under Sections 498A/376/511 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961 and adding Section 10 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Gour Barman & Anr.

.....Petitioners.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das.

.....for the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das.

.....for the State.

Learned advocate appearing for the petitioners submit that the petitioners were earlier on bail but because of miscommunication they did not appear before the Court and as such they have been taken into custody. Although, the petitioner no.2 has surrendered before the learned Special Court, since, 29.03.2025 but both the petitioners are in custody.

Learned advocate appearing for the State submits that there are serious accusations against the petitioners and opposes that their conduct do not warrant to be released on bail.

However, having regard to the fact that there is a genesis of matrimonial dispute relating to the case, I am of the view that

since the petitioners were earlier released on bail and subsequently they have been taken into custody on the basis of warrant of arrest so issued by the learned Special Court another opportunity must be granted to the petitioners.

Accordingly, petitioners would furnish bond of Rs.20,000/- (Rupees Twenty thousand only) each, with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court (under the POCSO Act, 2012), cum Additional Sessions Judge, Tufanganj in connection with POCSO Case No. 22 of 2017 and it is further clarified that the local sureties for the purposes of the case would be of an individual who would deposit the title deed of his property which would be situated within the jurisdiction of the learned Special Court. If on bail the petitioners shall be physically present on each and every date of the trial so fixed by the learned trial Court and would not hinder the progress of the trial.

In case of any non-compliance, the learned Special Court would be at liberty to cancel the bail without further reference to this Court.

Accordingly, CRM (M) 112 of 2025 is allowed.

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

(Tirthankar Ghosh, J.)