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03.07.2025
Ct.No.2
b.das
Allowed

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

C.R.M. (M) 139 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Ghoksadanga P.S. Case No. 126 of 2019 dated 29.04.2019 under Section 6 of the POCSO Act.

And

In Re : **Utpal Biswasharma** ... Petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das ... for the Petitioner.

Mr. Bhaskar Das
Mr. Subhasish Mishra ... for the State.

Affidavit of service filed by the petitioner is taken on record.

The victim is not represented despite service.

The petitioner is in custody for more than 6 years and prays for bail.

Learned counsel for the State opposes the prayer.

But he has not apprised the Court with regard to stage of trial, how many witnesses are left to be examined or when trial shall conclude.

In view of the period of detention of the petitioner, this Court is inclined to release the petitioner on bail solely on

the touchstone of the Article 21 of the Constitution of India subject to stringent condition.

Accordingly, prayer for bail is allowed.

The petitioner namely **Utpal Biswasharma** 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 Additional Chief Judicial Magistrate, Mathabhanga, Cooch Behar subject to condition that he shall not enter the jurisdiction of Ghoksadanga P.S. and shall furnish the address where he shall henceforth reside before the learned trial Court, investigating officer and the Officer in charge of the concerned P.S under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated above without justifiable cause, 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 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.)