

19.11.2025
Item no.10(DL)
Court No.3
srm
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 654 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with POCSO Case No.72/2024 arising out of Dinhata P.S. Case No.522 of 2024 dated 26.09.2024 under Sections 137(2)/140(3)/3(5) of B.N.S. and Section 6 of the POCSO Act.

In the matter of : **Ashok Barman**

... Petitioner.

Mr. Ratan Chandra Roy,
Mr. Debajit Knndu

...for the Petitioner.

Mr. Nilay Chakraborty, APP
Ms. Namrata Das

.....for the State.

Mr. Abhishek Sarkar

...for the *de facto* complainant.

1. Learned Advocate for the petitioner submits that the other two co-accused persons have been granted bail by the learned Special Court (POCSO)-cum-Additional District and Sessions Judge, Dinhata. There are no such incriminating materials against this petitioner. He seeks for grant of anticipatory bail in favour of the petitioner.
2. Opposing such prayer for anticipatory bail, learned Additional Public Prosecutor submits that the victim was taken away by this petitioner and subsequently recovered after three days. The victim was sexually assaulted by the

petitioner. He seeks for dismissal of the application for grant of anticipatory bail.

3. Learned Advocate for the *de facto* complainant also submits in the similar fashion.
4. Perused the case diary and the materials on record.
5. The victim in her statement under Section 164 of Cr.P.C. submits that she went with the petitioner to his aunt's house (Pisir bari). Though the victim has disclosed that there was physical relationship between her and the petitioner, however, there was no such allegation of any forcible sexual assault. The victim has refused to undergo medical examination. In view of the above, I am inclined to allow the prayer of the petitioner for anticipatory bail.
6. Accordingly, in the event of arrest the petitioner namely **Ashok Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall meet the Investigating Officer of the concerned police station once in a fortnight until further orders. The petitioner is directed to join investigation and cooperate with the Investigating Officer. The petitioner shall not enter the jurisdiction of Dinhata Police Station except for the purpose of attending court proceedings and reporting

to the Investigating Officer. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the Investigating Officer and the Inspector-in-Charge of the concerned police station under whose jurisdiction he shall presently reside.

7. This application for anticipatory bail is, thus, allowed.
8. **CRM (A) 654 of 2025** stands disposed of.

(Bivas Pattanayak, J.)