

08.09.2025
Sl. no. 118
Ct. No. 3
P.M.
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (M) 261 OF 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special (POCSO) Case No. 49(07) of 2025 arising out of Siliguri Police Station Case No. 432 of 2025 dated 01.07.2025 District Darjeeling under Sections 04/06 of the Prevention of Children from Sexual Offences Act, 2012.

-And-

In the matter of: Karnadeb Roy

...Petitioner

Mr. Rajesh Kr. Sharma
Mr. Rohan Nixala,
Ms. Durga Lama
...for the Petitioner

Mr. Kallol Acharjee,
Mr. Biswarup Roy
... for the State

Mr. Tarun Sharma,
Mr. Janardhan Periwal
... for O.P. No. 2

1. Learned counsel for the petitioner submits that petitioner was in consensual relationship with the victim. Complaint was lodged by the doctor when the victim went for the medical examination.
2. Learned counsel for the victim has also admitted that the victim was married to the petitioner.

3. Learned counsel for the State has fairly submitted that in her statement under Section 164 Cr.P.C. the victim has indicated towards consensual relationship where the victim is stated to be more than 16 years of age, taking into the accounts the petitioner in custody for the last 69 days.
4. Thus taking into the facts and circumstances of this case, the prayer for bail is considered and **allowed**.
5. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Siliguri. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall join the investigation as and when directed by I.O..
6. In the event the petitioner fails to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. It is made clear that the observation made hereinabove is only for the sake of disposal of this application.
8. Accordingly, **C.R.M. (M) 261 of 2025** stands **disposed of**.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dinesh Kumar Sharma, J.)