30.10.2026
Item No.2
Ct.No. 8
tbsr/MD

C.R.M. (R) 114 of 2026

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Naihati Police Station Case No. 135 of 2026 dated 24.05.2026 under Section 12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Samaresh Sarkar**

... Petitioner.

Mr. Shibaji Kumar Das

... For the Petitioner.

Mr. Jayanta Narayan Chatterjee, Sr. Adv.
Ms. Moumita Pandit

...For the de facto.

Mr. L. Vishal Kumar
Mr. Sanjib Das

....For the State.

Learned advocate appearing for the petitioner submits that charge sheet has already been submitted before the jurisdictional Court and the prosecution has relied upon a number of witnesses to prove its case, so there is no possibility of the trial concluding soon. As such, the petitioner may be released on bail.

Learned advocate appearing on behalf of the de facto complainant opposes the prayer for bail and submits that the petitioner was involved in the offence.

Learned advocate appearing for the State, on the other hand, draws attention of the Court to the statement of the victim under Section 183 of the BNSS.

I have taken into account the materials appearing in the case diary. However, the conduct of the accused cannot be proved.

Having considered the nature of offence, I am of the opinion that further custodial detention may not be warranted as the trial will take some time to reach a logical conclusion.

In view of the aforesaid, the petitioner is granted bail on stringent condition.

Accordingly, the petitioner viz., **Samaresh Sarkar** shall be released on bail upon furnishing bond of Rs.20,000/-, with two sureties of Rs.10,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore.

If on bail, the petitioner shall be physically present on each and every date before by the learned Trial Court and shall not leave the jurisdiction of the district of 24 Parganas (North) without prior permission of the learned Special Judge (POCSO) Court.

Additionally, the petitioner shall stay outside the jurisdiction of Naihati Police Station and inform his address to the learned Trial Court prior to his release.

Accordingly, CRM(R) 114 of 2026 is allowed.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)