

18.02.2026

Item No.20

Ct.No.6

b.das

Allowed

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (M) 39 of 2026

In Re : An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Siliguri Police Station Case No. 763 of 2024 dated 18.08.2024 under Sections 137(2)/140(3)/351(2)(3) of the BNS read with Section 4 of POCSO Act.

And

In Re : **Pabitra Rabi Das @ Prabhat Das**

... Petitioner

Mr. Arunava Paul

... for the Petitioner

Mr. Abhijit Sarkar

Mr. Dhiman Sil

... For the State

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

None appears for the victim despite service.

The petitioner is in custody for more than 100 days and prays for bail.

Learned counsel for the petitioner submits that the victim voluntarily eloped with the petitioner and married him. On protest raised by her family members, she left the petitioner and returned to her parents. Also, grounds of arrest have not been communicated to the petitioner at the time of his arrest.

Learned counsel for the State opposes the prayer.

I have considered the material on record.

It is not in dispute that the grounds of arrest have not been communicated to the petitioner at the time of his arrest. The medical report of the victim as well as her statement recorded under Section 183 of the BNSS do not prima facie support the allegations under Section 4 of the POCSO Act. The said documents need to be assessed in the light of the evidence at the appropriate stage of trial. Charge sheet has been submitted.

In view of the above, this Court is inclined to hold that further detention of the petitioner is not required and he may be released on bail subject to stringent conditions.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner Pabitra Rabi Das @ Prabhat Das 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 Special Judge(POCSO), Siliguri subject to condition that he shall remain outside the jurisdiction of Siliguri PS except for the purpose of appearing before the learned Trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall appear before the learned trial Court on every date of hearing.

In the event the petitioner fails to comply with any of the conditions as mentioned 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 being C.R.M. (M) 39 of 2026 is disposed of.

Case Diary be returned.

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

(Suvra Ghosh, J.)