

27.04.2026

Item no.11.
Court No.5.
Suman
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

CRM (A)239of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sitalkuchi Police Station Case No.95 of 2026 dated 02.03.2026 under Section 08 of Protection of Children from Sexual Offences Act, 2012 and corresponding to PTN No. 16 of 2026 pending before the learned Additional Sessions Judge, Mathabhanga, Cooch Behar.

And

In the matter of : Goutam Barman

.....Petitioner

Mr.Sandip Guha Roy
..for the petitioner

Mr. Kallol Acharjee
Mr. Dhiman Sil
..for the State

Mr. Roy, learned Advocate appearing for the petitioner, submits that the case has been initiated for the alleged commission of an offence punishable under Section 8 of the POCSO Act. He submits that the prescribed punishment is only three years. He further submits that there is a delay of six days in lodging the FIR, and no satisfactory explanation has been offered for such delay. He submits that from the FIR itself it would be evident that there was a process of reconciliation,

and since the same failed due to the non-appearance of the present petitioner in the reconciliation meeting, the present case has been initiated. In such facts and circumstances, it would not be appropriate to compel the present petitioner to languish in jail custody.

Mr. Acharjee, learned advocate appearing for the State produces the case diary and opposes the prayer for bail. It is stated that the victim refused to undergo medical examination.

Heard the learned advocates for the respective parties and perused the materials on record including the case diary.

Considering the facts and circumstances of this case, nature of the evidence and noting the fact that the incident allegedly occurred in presence of the direct evidence, I am of the view that custodial interrogation of the present petitioner will not serve any purpose.

In view of the above, the application being **CRM (A) 239 of 2026** is **allowed**.

It is ordered that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of Rs.5,000/- (Rupees Five Thousand only) each, one of whom must be local, to the satisfaction of **learned Additional Sessions Judge, (POCSO), Mathabhanga, Cooch Behar**, subject to the condition that he shall meet the Investigating Officer once in a week until further order of this Court and subject to the conditions as laid down under Section 482(2) of the BNSS corresponding to 438 (2) of the Cr.P.C.

All parties shall act in terms of server copy of the order 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.

(Partha Sarathi Chatterjee, J.)