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

25.11.2026
Ct No.5
Item No.12
PA

CRM (NDPS) 335 of 2026

In Re:- An application for Bail under Section 483 of the Bharatiya Ngarik Suraksha Sanhita, 2023.

And

Allowed

In Re: **Gobinda Roy @ Gobin Roy**

...Petitioner

Mr. Jaydeep Kanta Bhowmik, Adv.
Mr. Sayantan Bhowmik, Adv.
Ms. Jasmin Haque

...for the petitioner

Mr. Panchali Deb Sikder (Nag), Ld. S.G.A.
Mr. Reshab Kumar, Adv.
Ms. Baishali Chakraborty, Adv.

...for the State

1. The Learned Advocate representing the petitioner submitted the alleged incident of violating the physical privacy of the victim girl to have occurred on 20.03.2026 at about 12:00 noon at the house of the petitioner where the victim was coercively taken to a bathroom by the petitioner and had been sexually assaulted and ravished. The charge-sheet being submitted on 14.05.2026 without any further progress in trial and the commencement of the same being remote, seeks for bail.
2. The Learned Advocate representing the *de facto* complainant opposed the prayer for bail citing her vulnerable age and mental

condition having been molested as aforesaid by the petitioner with every possibility of being threatened and the witnesses being influenced by the petitioner.

3. The Learned Advocate representing the State referred to the statement recorded under Section 183 of BNSS of the victim as well as Section 180 of BNSS which corroborated the case of the prosecution along with narrative in the complaint and opposed the prayer for bail seeking direction of this Court to expedite the process of trial upon the Learned Trial Court.

4. The materials on record revealed the mother of the victim girl to have refused to conduct medico-legal examination at the first instance. However, on 30th of March, 2026, medico-legal examination was conducted and the opinion of the Doctor appeared at page no.65 and 66 of the case diary. The instant case has been registered under Section 4 of the POCSO Act. The opinion of the Doctor as aforesaid being self-explicit as delineated therein *prima facie* is devoid of the elements to constitute the offence under Section 4 of the POCSO Act subject to further evidence to be recorded during trial to prove the sterling quality of the evidence of the victim and the same to be corroborated by oral and documentary evidence.

5. The present case is beyond the purview of presumption of certain offences as enumerated under Section 29 of the POCSO Act. There is no scope for further investigation and considering the facts and circumstances, gravity and intensity of the alleged offence in view

of the preliminary observation of the Doctor having examined the victim girl, the prayer for bail is considered and allowed.

6. Accordingly, the petitioner namely **Gobinda Roy @ Gobin Roy** shall furnish bond of Rs.25,000/- (Rupees Twenty-Five Thousand Only) with two sureties of the like amount each, one of whom must be local to the satisfaction of the Learned Additional Sessions Judge, 2nd Court at Jalpaiguri.
7. The petitioner shall be physically present on each and every date fixed before the Learned Trial Court and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall submit his address where he would be residing to the Learned Trial Court along with his mobile number not be changed without prior permission of the Learned Trial Court. On further condition, the petitioner shall meet the Officer-in-Charge of the concerned Police Station once in a week until further orders and he shall not leave the jurisdiction of the concerned Trial Court.
8. Accordingly, **CRM (M) 335 of 2026** stands **allowed** and disposed of.
9. All parties shall act in terms of the server copy of the order downloaded from the official website of this Court.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ananya Bandyopadhyay, J.)