

February 12, 2026

30 ARDR
Allowed

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

CRM (M) 388 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mekhliganj** Police Station case no. **63** of **2025** dated **7/3/2025** under Sections **137(2)/140(3)/3(5)** of the BNS, 2023 and Section **6** of POCSO Act, 2012.

And

In Re : **Mithun Barman @ Roy**

... Petitioner

Adv. Bibek Tarafder,

... for the Petitioner.

Adv. Kallol Acharja,

Adv. Tapan Bhattacharya,

...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 200 days and prays for bail.

Learned counsel for the petitioner submits that there was a consensual relationship between the parties and the petitioner has been falsely implicated. Admittedly the petitioner is a married man.

Learned counsel for the State opposes the prayer for bail and refers to the statement of the victim recorded under Section 183 of the BNSS wherein there is no indication of consensual relationship between the parties.

I have perused the material on record.

The victim is a 17 year old lady. Charge sheet has been submitted.

Considering the material on record particularly the medical report of the victim and also since charge sheet has been submitted and the matter is ready for trial, 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, the prayer for bail is allowed.

The petitioner namely **Mithun Barman @ Roy** 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 should be local, to the satisfaction of the learned **Additional Sessions Judge, Mekhliganj** subject to condition that he shall remain outside the jurisdiction of Mekhliganj Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating officer and the Officer in charge of the police station under who jurisdiction he shall henceforth reside. The petitioner shall appear before the learned trial Court on every date of hearing. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions as stated 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.

CRM (M) 388 of 2025 is thus disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)