

18.02.2026

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jb.

jdt.

Allowed

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

C.R.M. (M) 419 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Bagdogra
Police Station Case No. 15 of 2024 dated 07.01.2024 under
Section 6 of POCSO Act.

And

In Re : Debesh Sarkar

Mr. Arunava Paul

... For the Petitioner.

Mr. Kallol Acharjee

Ms. Sukanya Adhikary

... For the State

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

None appears for the victim despite service.

Heard learned counsels for the parties.

The petitioner is in custody for more than two years
and renews his prayer for bail.

Despite a specific direction of this Court by an order
passed on 17th June, 2025 to conclude evidence of
prosecution witnesses by 31st December, 2025, evidence is
yet to be concluded. This Court is informed that only 6 out of
13 witnesses have been examined so far. Also, it is not in

dispute that grounds of arrest were not communicated to the petitioner at the time of his arrest.

In view of the fact that the learned trial Court has chosen not to comply with the specific direction of this Court and also since grounds of arrest have admittedly not been communicated to the petitioner at the time of his arrest, this Court is inclined to hold that the petitioner is entitled to be released on bail (Mihir Rajesh Shah vs. State of Maharashtra and another in Criminal Appeal no. 2195 of 2025).

Accordingly, the prayer for bail is allowed.

The petitioner namely Debesh Sarkar shall 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 (POCSO) Judge, Siliguri subject to condition that he shall remain outside the jurisdiction of Bagdogra police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be

at liberty to cancel his bail in accordance with law without further reference to this Court.

CRM (M) 419 of 2025 is 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)