

17.06.2019.
Item No.15
(Rejected)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 266 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2019 in connection with Matigara P.S. Case No. 549/2017 dated 29.08.2017 for committing offence punishable under Sections 363/365/376(2)(i)/376 of the Indian Penal Code and Sections 4/8 of POCSO Act;

And

In the matter of : Ranjit Paswan. ... petitioner.

Mr. Rajesh Kumar Sharma. ...For the petitioner.

Mr. Arun Sarkar,
Mr. Abhijit Sarkar. ...For the State.

Heard the learned Advocates appearing on behalf of the parties.

The present bail application is filed as the petitioner is facing the trial while in custody and there is no material forthcoming in course of the trial, which may prove the guilt of the petitioner. It is further stated that though the petitioner has no connection with regard to the commission of offence yet he has been unnecessarily implicated therein and the prosecution is showing an apathetic and lethargic approach in completing the trial.

The learned Advocate for the State submits that, in fact, the trial is going on and several witnesses have already been examined. The last of such examination was done in the

month of April 2019 and there is a strong possibility that the trial would be completed within a short span of time.

Since the petitioner is facing the trial while in custody, it would not be proper at this stage to grant him bail, as the trial is being protracted unnecessarily.

We, therefore, direct the learned Judge, POCSO Court, to make all efforts and endeavour to complete the trial by the end of this year.

With these observations, the prayer for bail of the petitioner is rejected.

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

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)