

23.06.2021

Court No. 28
Item No. JB-08
nandy/seth

(bail rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 624 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 04.06.2021 in connection with Mathabanga Police Station Case No. 408 of 2020 dated 02.10.2020 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 376(AB) of the Indian Penal Code (POCSO Case No. 21 of 2020).

and

In the matter of: **Suresh Barman**

..... Petitioner

Mr. Tanmoy Basu, Advocate

.....for the Petitioner

Mr. Arun Sarkar, Advocate

Mr. Saikat Chatterjee, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Mathabanga Police Station Case No. 408 of 2020 dated 02.10.2020 under Section 6 of the Protection of Children from Sexual Offences Act, 2012 read with Section 376(AB) of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner is in custody for the last 254 days and investigation in his case has already been completed with submission of charge-sheet, but the trial Court has not proceeded to collect the evidence of witnesses, cited in the charge-sheet thereby contravening the provisions contained in the POCSO Act.

Learned Advocate for the State raises objection submitting that this is a very serious offence, wherein sufficient materials are there and upon completion of investigation charge-sheet has been submitted making out a prima facie case against the petitioner.

Because of the intervention of the pandemic (COVID-19) the trial Court has not proceeded to the extent, as desired. The only dissatisfaction expressed by the petitioner is the delayed trial of the case, which in our view, cannot create any indefeasible right to bail. However, when anguish has been expressed with regard to the delayed trial, we feel it convenient to redress the same giving a suitable direction to that effect.

Since there are sufficient materials found in the case diary, as submitted by the learned Advocate for the State, we are not inclined to grant bail to the petitioner on the ground of delayed trial, however, the trial be expedited so that the logical conclusion of the case may be reached within the shortest possible time without granting unnecessary adjournments, unless it is extremely unavoidable.

As such, the prayer for bail is **rejected**.

The application being **CRM 624 of 2021** accordingly **dismissed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)