

20.12.2021
Court No.01
Item No. 65

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

sg

**CRM 1124 of 2021
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Banarhat Police Station Case No. 177/2017 dated 17.07.2017 under Section 4 of the POCSO Act.

And

In Re: **Rajesh Chhetri**

Petitioner

Mr. Biswarup Roy

For the Petitioner

Mr. A.K. Sarkar

Mr. Sagnik Sankar Sikdar

For the State

The petitioner is in custody for almost five years in relation to an offence committed under POCSO Act. Trial has already commenced. However, substantial progress could not be made due to pandemic situation.

The learned Counsel for the petitioner submits that out of 11 witnesses, two witnesses have been examined and there is no possibility of trial being concluded in the near future.

The learned Counsel for the State, however, opposes the prayer for bail and submits that the matter shall be disposed of by directing the learned Trial Court to dispose of the matter as expeditiously as possible.

Considering the materials available on record and having regard to the fact that the trial has already commenced, we dispose of this application by directing the learned Additional District and Sessions Judge, 2nd Special Court (POCSO Act) at Jalpaiguri to dispose of the matter as expeditiously as possible without granting any unnecessary adjournments to either of the party unless it is

avoidable and to make a timeframe in advance so that all the parties may adhere to the time schedule. However, in the event the trial could not be completed without one year from the next date of hearing for reasons not attributable, the petitioner shall be entitled to renew his prayer for bail.

The application for bail of the petitioner is rejected and CRM 1124 of 2021 is accordingly, disposed of.

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

(Biswajit Basu, J)

(Soumen Sen, J)