

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

13.04.2022
Item no.04
Ct.1
Suvendu

CRM (DB) 45 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 in connection with Rajganj Police Station Case No.269 of 2020 dated 26.12.2020 under Section 363/365 of the Indian Penal Code read with Section 4 of the POCSO Act, 2012.

And

In the matter of:- Hasibul Md @ Hasibul Haque @ Hamirul
... Petitioner

Mr. Kallal Ghosh

.....for the petitioner

Mr. Aditi Shankar Chakraborty

Mr. Biswarup Roy

.....for the State

The order passed by a coordinate Bench dated 25th November, 2021 had directed the learned trial court to frame charges on the next date of hearing before the court or within a week thereafter and proceed to the stage of examination of the victim under the POCSO Act.

The records produced before us indicate that after the said order of the coordinate Bench, there were at least four occasions when the matter was listed before the learned trial court despite which charges are yet to be framed.

However, since the allegation is serious in nature, we are not inclined to grant bail at this stage. We are also not inclined to

interfere since the next date is 21st April, 2022 for framing of charges/ plea hearing.

However, we deem it fit to direct the learned trial court to frame the charges on 21st April, 2022, if the charges are still not framed as directed.

Since the petitioner has been in custody for 15 months, we direct that the trial should be completed within a period of two months being the outer limit.

The petitioner shall be at liberty of approaching the court for renewing his prayer for bail.

CRM (DB) 45 of 2022 is accordingly rejected and disposed of.

(Kesang Doma Bhutia, J.)

(Moushumi Bhattacharya, J.)

