

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

10.05.2022
Item no.28
Court No.01
Avijit Mitra

CRM (DB) 143 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Krishna Chhetri

.... petitioner

Mr. Hillol Saha Poddar,
Mr. Sayantan Bhowmik,
Ms. Mousumi Das,
Mr. Sourav Kar

....for the petitioner

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Mateli Police Station Case No.35 of 2021 dated 19.03.2021 under Section 376 of the Indian Penal Code.

Mr. Saha Poddar, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim. Both of them are adults. There had been no progress whatsoever subsequent to rejection of the petitioner's prayer for bail earlier on 1st July, 2021. In view thereof, the petitioner may be enlarged on bail on any stringent condition.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the

statement of the victim girl as recorded under Section 161 of the Code as well as the medical examination report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find strong incriminating materials on record against the petitioner. Considering the seriousness of the offence, its ramification and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and as such, his prayer for bail is refused, at this stage.

Mr. Saha Poddar, has, however, expressed his anguish and inconvenience, as regards the delay in progress of the trial. We take notice of such issue and direct the learned Court below to expeditiously conduct the trial, without granting any unnecessary adjournment to either of the parties and, if necessary, upon resorting to the steps available under section 309 of the Code of Criminal Procedure so that logical conclusion of the case may be reached at the earliest, preferably within a year.

The application for bail CRM (DB) 143 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

