

10.05.2022
Item no.31
Court No.01
Avijit Mitra

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

CRM (DB) 144 of 2022

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

And

In Re : Rasidul Haque

.... petitioner

Mr. Anirban Banerjee

....for the petitioner

Mr. Arun Sarkar,

Mr. Saikat Chatterjee

..... for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Dhupguri Police Station Case No.407 of 2021 dated 29.09.2021 under Sections 376(3)/506 of the Indian Penal Code read with Section 4/17 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner is innocent. The allegations levelled against him are unfounded. He had already suffered long incarceration for about 223 days and there is no possibility towards conclusion of the trial in the near future.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the victim girl as recorded under Section 164 of the Code as well as the medical examination report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, 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.

We have been informed that the next date has been fixed for supply of documents on 3rd June, 2022. In view thereof, the learned Special Court is directed to supply copies to the accused positively on the said returnable date and to frame the charges as early as possible preferably within a month from the said date. It is also directed that in the event the charges are framed the learned Special Court shall expeditiously conduct the trial 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 without granting any unnecessary adjournment to either of the parties as it appears from the chargesheet that there are 21 witnesses.

The application for bail CRM (DB) 144 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.)

