

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

13.01.2023
Court No.1
Item. 15
(Suvendu)

CRM(DB) 36 OF 2023

An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Pradhannagar Police Station Case No. 196 of 2021 dated 05.04.2021 under Sections 376D/354B of the Indian Penal Code, 1860.

And

In the matter of: Utsav Lepcha

.Petitioner.

Mr. Joyjeet Chowdhury
Mr. Rohit Agarwal

For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas
Mr. Kallol Nag

For the State.

We note the absolutely shocking progress of the trial; in fact the absence of any indication that the State is interested to proceed with the trial at all. The petitioner was arrested on 06.04.2021 on the allegation of an incident which occurred on 04.04.2021. The first charge-sheet was submitted on 30th June, 2021 and the supplementary charge-sheet was submitted on 29th January, 2022. Charges are still to be framed and we have been informed that a Public Prosecutor is still to be appointed in the matter. Naturally, out of 17 witnesses none have been examined so far.

Since the offence is heinous in nature, we are not inclined to grant bail to the petitioner.

We, however, consider it expedient to direct that the trial shall be concluded within a period of three months from today. There shall be no adjournments and the petitioner shall be entitled to pray for further orders if there is any further delay in the trial. We also make it clear that there shall be no part-hard examination of witnesses before the learned court.

We have noted that the affidavit given by the victim on 5th August, 2021 stating that the victim does not have any objection to the petitioner being granted bail.

CRM(DB) 36 of 2023 is accordingly rejected and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)