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Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (DB) 91 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with New Jalpaiguri Police Station Case No. 242 of 2022 dated 14.03.2022 under Section 6 of the POCSO Act.

In the matter of : Biplab Roy

... petitioners

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

.....for the State

Mr. Arijit Ghosh

...for the defacto complainant

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that the petitioner is suffering from serious ailment and is being treated in hospital. That apart, due to no fault of the petitioner, it is argued, the trial is being postponed. Even on the last date, which was fixed for examination of the first witness of the prosecution, such witness has not turned up and, as such, trial is being delayed inordinately. It is submitted that the petitioner ought to be granted bail under such changed circumstance.

Learned counsel appearing for the de facto complainant as well as the State oppose such prayer for bail.

Upon perusal of annexure to the present application, we find that vide order dated January 05, 2023, similar prayer of the petitioner was refused by a coordinate Bench of this Court on the ground that the petitioner should remain in custody at least till the conclusion of the evidence of the victim girl. It was further recorded that since the petitioner was in custody for 296 days at that point of time, if there is inordinate delay in the conduct of the trial, the petitioner would be entitled to pray for appropriate order.

Since the victim girl has not yet been examined as per order dated January 05, 2023 passed by a coordinate Bench of this court, we are not inclined to grant bail to the petitioner at this stage.

In view of long period of custody of the petitioner, we direct the trial to be expedited as much as possible, to be concluded positively within eight months from the date of communication of this order to the trial court.

Accordingly, CRM (DB) 91 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)