

01.05.2023
KC (4)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 156 of 2023

In the Matter of : Md. Alaul Haque
..... petitioner.

Mr. Kumar Shantanu.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 152 of 2022 dated 9th May, 2022 under Sections 376(3)n)/506 of the Indian Penal Code read with Section 6 of the Pocso Act, 2012, corresponding to Sessions (Pocso) Case No. 65 of 2022 pending before the court of learned Judge, Special Pocso Court, 2nd Court, Jalpaiguri.

Learned counsel for the petitioner submits that an attempt was made to serve the victim by post. According to the report of the postal authority, she could not be found at the address which is recorded in the First Information Report.

Here the offence alleged is grievous in nature which involved a 15 year old minor girl. The accusation of

rape was allegedly committed in February, 2022. Thereafter, the victim became pregnant.

The accused is in custody for over one year.

Charge-sheet has been submitted but charges have not been framed.

The earlier application for bail has been rejected by this Court on 26th September, 2022 and we are of the opinion that it is not a fit case to grant bail at this juncture.

On the above circumstances, we direct the learned court below to expeditiously proceed with the trial so that it is preferably concluded within three months from date.

If trial is protracted, the petitioner will be at liberty to file a fresh application for bail.

The application for bail [CRM (DB) 156 of 2023] is accordingly disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

