

12.06.2023

Ct.No. 1

Item No. 53

Sb / Saswata

Rejected

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

C.R.M. (DB) 206 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with NJP GRPS case no. 37/2021 dated 16.12.2021 under Sections 6 of POCSO Act.

And

In the matter of : **Sushanta Debnath @ Susanta Debnath @ Bura
@ Buro @ Bijay**

...petitioner

Mr. Kumar Santanu

...For the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Sagnik Sankar Sikdar

....For the State

1. The Superintendent of Police, GRP, New Jalpaiguri is present in Court today and has assured us that in future immediate steps should be taken for proclamation and attachment, whenever such occasion arises.
2. The Learned Counsel for the petitioner submits that the petitioner is in custody for more than 528 days and he has been falsely implicated in the instant case. It is further submitted that charge has not been framed and the trial has not yet commenced and there is no possibility of the trial being concluded in near future.
3. It appears that the prayer for bail was rejected by Coordinate Benches of this Court on 7th June, 2022 and on 31st August, 2022.
4. We do not find any change in circumstances for which the said order can be revisited.

5. Both the Coordinate Benches have taken note of the fact that the statement of the victim girl show that she had been trafficked outside the State of West Bengal for sexual exploitation and eight persons alleged to have ravished her.
6. It appears that out of two persons named in the charge sheet, one had died and the present petitioner is in custody.
7. Having considered the materials in the case diary and the prima facie disclosing complicity of the petitioner in the alleged offence, we are not inclined to grant bail to the petitioner. The application for bail is accordingly **rejected**.
8. In view of the fact that one of the accused persons had died, as informed by the Learned Counsel for the prosecution, we direct the Learned Trial Judge to frame the charge without any further delay and after framing the charge, shall proceed with the trial of the case as expeditiously as possible, in strict compliance of Section 309 of the Cr.P.C., without granting unnecessary adjournments to either of the parties, unless it is unavoidable
9. CRM (DB) 206 of 2023 is **disposed** of.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)