

06.06.2023
SL No.6
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (DB) 238 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Women P.S. (Jalpaiguri) Police Station Case No.84 of 2019 dated 19.07.2019 under Sections 376AB/506/34 of the Indian Penal Code read with Section 6 of POCSO Act.

And

In the matter of : **Sanjit Roy**

- Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar,
... For the Petitioner.

Mr. Bikash Singha,
...For the De facto Complainant.

Mr. Aditi Sankar Chakraborty, Ld. A.P.P.
Mr. Subhasish Misra,
... For the State

The Investigating Officer, Jalpaiguri Women P.S. is personally present with the status report.

The learned Counsel for the petitioner submits that the petitioner is innocent and he is in custody for over three years ten months. It is submitted that there is no possibility of the trial be concluded in the near future and he may be granted bail as he has all throughout cooperated with the investigation.

The prayer for bail, however, is opposed by the learned A.P.P. and he has produced a status report from which it appears that

C.S.W. No.1 and C.S.W. No.2 were examined on 4th August, 2021 and 19th June, 2023 and 20th June, 2023 have been fixed for evidence of rest of the witnesses.

Having regard to the statement made by the minor under Section 164 of the Cr.P.C. and the fact that the trial is in progress, we are not inclined to grant bail at this stage. However, we direct the learned Trial Court to record the evidence of the witnesses on the dates fixed and shall not grant any adjournment to the prosecution. It would be the responsibility of the prosecution to ensure the production of the witnesses on the dates fixed. The S.O.P with regard to the examination of the official witnesses shall be strictly complied with.

Accordingly, the application for bail is rejected and disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)