

05.06.2023
SL No.25
Court No.1
(gc)
(Rejected)

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

CRM (DB) 244 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Sessions Case No.28 of 2021 (POCSO) arising out Malbazar Police Station Case No.661 of 2021 dated 07.11.2021 under Section 6/17 of the Indian Penal Code.

And

In the matter of : **Augustu Oraon**

- Petitioner.

Mr. Anirban Banerjee

... For the Petitioner.

Mr. Aditi Sankar Chakraborty, Ld. A.P.P.

Mr. Nilay Chakraborty,

Mr. Kallol Nag,

... For the State

The learned Counsel for the petitioner submits that the petitioner is in custody for over one year seven months and he is innocent.

The learned Counsel for the State, however, opposes the prayer for bail.

The learned Counsel for the petitioner further submits that two accused persons similarly placed were granted bail by the Coordinate Bench on 11th May, 2022 and 9th November, 2022. It appears that on 11th May, 2022, the submission was made by Mr. Kumar Shantanu, Advocate that the principal accused is one Augustu Oraon and that one Suraj Oraon also had an active role in the alleged offence. The involvement of Rabin Oraon and

Rupesh Oraon are on a different footing from that of Augustu Oraon. Augustu Oraon is not similarly placed as that of the co-accused persons who are on bail.

Accordingly, the prayer for bail is, thus, rejected.

We direct the learned Additional Sessions Judge, Special Court (under POCSO Act), Mal, Jalpaiguri to fix immediately a date for framing of charge and thereafter to proceed with the trial as expeditiously as possible without granting any adjournment to either of the parties unless it is unavoidable.

The Registrar, Circuit Bench, Jalpaiguri is directed to immediately communicate this order to the Additional Sessions Judge, Special Court (under POCSO Act), Mal, Jalpaiguri for information and doing the needful.

Accordingly, the application for bail being CRM (DB) 244 of 2023 is 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.)