

05.06.2023
Court No.01
Item No. 26

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

sg

CRM (DB) 245 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No. 313 of 2020 dated 02.09.2020 under Section 376 DA of IPC read with Section 6 of POCSO Act.

And

In Re: **Khursid Alam @ Khushidul Alam &Ors.**

Petitioners

Mr. Debajit Kundu
Mr. Tanmoy Das

For the Petitioners

Mr. Ujjwal Luksom
Mr. Sourav Ganguly

For the State

This is the third application for bail. On the earlier two occasions the prayer for bail was rejected after taking into consideration the nature of the offences and the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure read with the medial report.

The learned counsel for the petitioners submits that the minor in her evidence has not specifically named the petitioners, moreover, they are in custody for two years and nine months without there being any progress in the trial.

We find from the record that on 1st March, 2023, the learned Court fixed 29th April, 2023 for evidence of CSW 2 (V.G.) and production of accused persons. Thereafter, on 29th April, 2023, it was recorded that no witness turned up

for giving evidence and the matter was fixed on 26th July, 2023 for production of both the accused and evidence of CSW 2 (V.G.).

In view of the fact that the trial has not progressed satisfactorily, the learned Judge, Special Court (under POCSO Act), 2nd Court, Jalpaiguri is directed to conclude the trial preferably within one year from 26th July, 2023 without granting any adjournment to either of the parties unless it is unavoidable. In the event the trial is not concluded within the aforesaid period and the petitioners are not responsible for the delay, the petitioners shall be entitled to renew the prayer for bail after one year from 26th July, 2023.

The application for bail of the petitioner is rejected. CRM (DB) 245 of 2023 is accordingly, 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)