

05.06.2023
Court No.01
Item No. 27

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

sg

CRM (DB) 246 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 119 of 2017 dated 19.02.2017 under Sections 370(5)/420/417/468/120-B/34 IPC read with Sections 75/80/81 of the Juvenile Justice (Care & Protection of Children) Act.

And

In Re: **Mrinal Ghosh**

Petitioner

Ms. Ashima Mandla
Mr. Deborshi Dhar

For the Petitioner

Mr. Nilay Chakrabarty
Mr. Biswarup Roy

For the State

The learned Counsel for the petitioner submits that long incarceration of the petitioner can be considered as a ground for granting bail. It is submitted that the petitioner is in custody for six years and three months and there is a little possibility that the trial would be concluded in the near future. It is submitted that 24 persons similarly placed have been granted by the coordinate Bench. The learned Counsel has relied upon the order passed on 8th May, 2023 in CRM (DB) 327 of 2023 and submits that Debashis Chanda has been granted bail and the petitioner stands on the same footing as that of Mr. Chanda.

It appears from the record that the petitioner earlier applied for bail and that was rejected on 9th September, 2022 by a coordinate Bench on the ground that considering the official position enjoyed by the DCPO who abused such position

in the alleged heinous act of trafficking and selling of children. The prayer for bail cannot be considered at this stage.

The learned Counsel for the petitioner has also relied upon an order passed by the coordinate Bench on 8th May, 2023 in CRM (DB) 222 of 2023 passed in Manash Bhowmick and CRM (DB) 227 of 2023 in the matter of Debashis Chanda decided on May 8, 2023 where bail was granted to the accused persons on certain conditions.

However, having regard to the fact that there has been no change in circumstances so far as the present petitioner is concerned and also having regard to the fact that the coordinate Bench in Manash Bhowmick (supra) and Debashis Chanda (supra) has directed the trial court to conclude the trial as early as possible preferably within one year from 8th May, 2023, we do not find any reason at this stage to grant bail to the petitioner.

The application for bail of the petitioner is rejected. CRM (DB) 246 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)