

05.6.2023
Court No.01
Item No. 31
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**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

Rejected

CRM (DB) 252 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 429 of 2022 dated 30.7.2022 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Bir Kumar Bhagat @ Oraon**

.... Petitioner

Mr. Biswarup Roy

...

For the Petitioner

Ms. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikdar

...

For the State

Learned counsel appearing for the petitioner submits that the petitioner is in custody for almost a year and he was charged with sexual assault to a 10 years girl.

It is submitted that the petitioner is innocent and he has been falsely implicated in this case. He is in custody since 9th March, 2022.

Learned counsel appearing for the State opposes the prayer for bail. It is also submitted that there was a delay of 5 days in lodging the F.I.R and the medical examination does not show any injury marks.

We find from the record that the similar statement was made on 2nd January, 2023 when on consideration of the said submission the prayer for bail was refused at that stage with a direction upon the Sessions court to expedite the trial within shorten period of time.

It appears from the record that the learned Trial Judge fixed 1st March, 2023 for framing of charge.

In the event the charges are not framed, we direct the learned Additional Sessions Judge, Special 2nd Court (Under POCSO Act) at Jalpaiguri to frame the charge on the next date fixed and proceed with the trial following Section 309 of the Code of Criminal Procedure and complete the trial as expeditiously as possible, as directed earlier by a coordinate bench on 2nd January, 2023.

In the event of inordinate delay in the trial and such delay is not attributable to the petitioner, the petitioner shall be at liberty to renew the prayer for bail.

The application for bail of the petitioner is thus rejected. CRM 252 of 2023 is accordingly disposed of.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)