

03.07.2023

Item no.5

Court No.1.

AB

(Rejected)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) No. 263 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No.440 of 2021 Dated 12.5.2021 under Sections 356/366A/323/354 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Paban @ Babanta Adhikary

.....Petitioner.

Mr. Sourav Sarkar for the Petitioner.

Mr. Kallol Acharya,
Mr. Kallol Nag for the State.

Heard learned Advocate for the petitioner and the learned Advocate for the State.

It is contended on behalf of the petitioner that though charge has been framed long back, yet, the trial before the learned Trial Court has not yet commenced. It is contended that considering the period of detention, the petitioner be enlarged on bail on any condition whatsoever.

On perusal of the entire material on record in the case diary and the petition for bail, we find that the allegation made in the first information report, which is really serious in nature, gets due support in course of investigation especially from the

statement of the victim as well as from the medical examination report of the victim girl.

Considering the seriousness of the crime, the prayer for bail is rejected.

However, considering the fact that charge has already been framed, learned Additional Sessions Judge, 2nd Court, (Special Court under POCSO Act) Jalpaiguri is hereby directed to expedite trial in Sessions (POCSO) Case No.57 of 2021.

CRM (DB) No. 263 of 2023 is dismissed.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)