

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

21.08.2023
Court No.1
Item.16
(sg/KS)

CRM (DB) 441 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Kurseong Police Station Case No. 126 of 2022 dated 29.11.2022 under Section 376(2)(f)/511 of the Indian Penal Code read with Section 10 of the POCSO Act.

And

In the matter of: Gajen Roy

.Petitioner.

Mr. Anirban Banerejee

For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Sagnik Sankar Sikdar

For the State.

1. The primary prayer of the petitioner, who has been in custody for 270 days, is of undue delay for the trial.
2. Learned counsel appearing for the petitioner says that the victim girl failed to appear in the trial for the last three occasions.
3. Learned counsel appearing for the prosecution hands up a communication dated 21st August, 2023 from the Kurseong Police Station stating that the victim girl and her mother are present before the POCSO Court, Kurseong, Darjeeling for deposition. The investigation is due to proceed today before that Court.
4. We note that there are nine witnesses to be examined and expect the Special Court, Kurseong to conduct and conclude the trial in an expeditious manner, preferably within ten months from today. The

petitioner will be at liberty to pray for appropriate orders if there is any undue delay in the trial.

5. Having regard to the circumstances of the case, we are not inclined to allow the prayer for bail.
6. Accordingly, CRM (DB) 441 OF 2023 is rejected in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)