

03.10.2023
Court No.1
SL No.35
pk/AP

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

CRM(DB) 496 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhaktinagar** P.S. Case No. **286 of 2020** dated **16.04.2020** under Section **4** of the POCSO Act.

And

In the matter of: **Kaushik Roy**

....Petitioner.

Ms. Pratibha Ray

...For the Petitioner.

Mr. Aditi Shankar Chakraborty

Mr. Sagnik Sankar Sikder

...For the State.

1. The application for bail is pressed on the ground that the petitioner is in custody for about three and half years.

2. It appears from the records that charges have been framed by the Special Judge, 2nd Court at Jalpaiguri and the matter was fixed for evidence on 17th February, 2022. When the Public Prosecutor appeared along with witnesses, defence counsel had resigned from the case. The accused does not appear to have prayed for any legal assistance from the District Legal Services Authority, Jalpaiguri.

3. On two occasions thereafter summons were served but the witnesses could not be produced by the Public Prosecutor. A special Public Prosecutor has been assigned by the State to

conduct hearing in the matter. The next date is fixed in the matter on 30th November, 2023.

4. This Court directs that a lawyer may be engaged by the District Legal Services Authority, Jalpaiguri to represent the accused/applicant in the Court below within a period of one week from date.

5. The Office of the Public Prosecutor shall render necessary assistance and documents to the advocate nominated by the District Legal Services Authority, Jalpaiguri to enable the accused to conduct his defence effectively.

6. It is expected that the defence counsel shall be ready to conduct the case on behalf of the accused on 30th November, 2023. The Public Prosecutor shall ensure the presence of the prosecution witnesses on 30th November, 2023 and shall start making efforts in that regard forthwith.

7. It is expected that the trial itself is completed mandatorily and positively within a period of four months from 30th November, 2023.

8. Having carefully considered the case diary and evidence on records, statements of the witnesses and the statement of the victim girl, this Court is not inclined to grant bail to the petitioner at this stage.

9. The I.C. Bhaktinagar Police Station is present in Court.

10. His personal presence is noted and dispensed with.
11. The application for bail is, thus, rejected.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)