

**D/L. 60.**  
**September 22, 2023.**  
**MNS**

**Calcutta High Court**  
**In The Circuit Bench at Jalpaiguri**  
**Appellate Side**

**CRM (DB) 582 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.09.2023 in connection with Phasidewa Police Station Case No. 81 of 2019 dated 16.03.2019 under Sections 468/420/471 of the Indian Penal Code, 1860 read with Section 66E/67 of the I.T.Act. and 06 of POCSO Act.

And

In the matter of: Uttam Sharma @ Uttam Kumar Sharma

.... Petitioner

Mr. Jaydeep Kanta Bhowmik,  
Mr. Sayantan Bhowmik,  
Ms. Ritika Sarkar

... for the petitioner

Mr. Aditi Shankar Chakraborty,  
Mr. Sagnik Sankar Sikder

... for the State

1. Learned counsel for the petitioner argues that there is no iota of evidence that the petitioner circulated the incriminating photos as per allegation of the victim.

2. Moreover, it is argued that the petitioner is already in custody for 854 days. Only one of the witnesses out of total 19 have been examined as yet and, as such, it is argued that the benefit of bail ought to be granted to the petitioner.

3. Learned counsel for the State opposes the prayer for bail and submits that as per the statement of the victim under Section 164 of the Cr.P.C., the gravity of the offence is serious.

4. We find from the allegations against the petitioner in the statement of the witness under Section 164 of the Cr.P.C. that in view of the nature of the allegations, being *inter alia* circulation of compromising photographs of the victim, grant of bail to the petitioner might hamper the trial and may put the victim girl at further risk of circulation of such photographs.

5. Thus, we are not inclined to grant bail to the petitioner at this stage.

6. Accordingly, CRM (DB) 582 of 2023 is dismissed.

7. However, with the direction that the trial shall be concluded by the trial court as early as possible, positively within eight months from the date of communication of this order to the trial court.

**(Sabyasachi Bhattacharyya, J.)**

**(Uday Kumar, J.)**