

27.09.2023
Court No.1
SL No.33
pk/AP

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

CRM(DB) 583 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. **1125 of 2021** dated **28.08.2021** under Sections **498A/307** of the IPC read with Section **12** of the POSCO Act.
And

In the matter of: **Sunil Das**

....Petitioner.

Mr. Arijit Ghosh

...For the Petitioner.

Mr. Nilay Chakroborty

...For the State.

1. The application for bail is canvassed on the ground that the petitioner is in custody for about 760 days.
2. It is submitted that the petitioner could not have committed offence on his daughter and the de facto complainant, estranged wife may have tutored the victim girl .
3. The petitioner's application for bail was rejected earlier by the Sessions Judge as well this Court on 3rd January, 2022 in CRM No.1220 of 2021.
4. Given the fact that the trial has commenced and three witnesses might have been already examined, this Court directs the office of the Public Prosecutor to finish the examination of the rest of the witnesses within a period of two months from day mandatorily and positively.

5. It is made clear that in default of the above, the petitioner shall be formally entitled to seek afresh bail before this Court.

6. The Special Judge under the POSCO Act shall dispose of the case within a month after conclusion of the evidence on behalf of the prosecution.

7. In these circumstances, this Court is not inclined to grant bail to the petitioner at this stage.

8. Hence, the application for bail is hereby rejected.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)