

26.09.2023  
Court No.1  
SL No.18  
pk/AP

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

**CRM(DB) 614 of 2023**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Mathabhanga** P.S. Case No.**98 of 2020** dated **05.08.2020** under Section **6** of the POSCO Act read with Section 376AB of the IPC.

And

In the matter of: **Radhaballav Sarkar @ Ballav Sarkar**

....Petitioner.

Mr. S. Misra

...For the Petitioner.

Mr. Sourav Ganguly  
Mr. Chattu Roy

...For the State.

1. The application for bail has been rejected on three earlier occasions. The victim girl was four years old. The only argument advanced is that the medical report does not indicate any injury on the victim.

2. This Court is of the view that the same cannot constitute or negate the charge and likely offence.

3. Counsel for the State submits that the trial is at an advanced stage. There are only three witnesses for the prosecution, remaining.

4. It is ordered that the Special Court seized on the matter and conclude the trial mandatorily and positively within a period of two months from date.

5. The Public Prosecutor shall ensure that all three remaining witnesses are examined within a period of twenty one days from date mandatorily and positively.

6. This Court is not inclined to grant bail to the petitioner.

7. In these circumstances, the application for bail is hereby rejected.

**(Rajasekhar Mantha, J.)**

**(Supratim Bhattacharya, J.)**