

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

05.03.2024
Court No.1
Item. 23
(Suvendu)

CRM(DB) 46 OF 2024

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Jalpaiguri Women Police Station Case No. 04/2022 dated 12.01.2022 under Section 6 of the POCSO Act and read with Section 376 AB IPC corresponding to Sessions Case (POCSO) No. 08/2022 pending before the learned Additional Sessions Judge, 2nd Court, Jalpaiguri.

And

In the matter of: Ratan Bhattacharjee

.Petitioner.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar

For the Petitioner.

Mr. Abhijit Sarkar
Mr. Sagnik Sankar Sikdar

For the State.

1. The records in the file contains several orders of which one order is of a Division Bench presided over by one of us, from where it would be evident that the learned trial Court was directed to ensure that the trial reaches its logical conclusion preferably within four months from the date of the order which was 17th October, 2022. Instead of the trial being concluded within February, 2023, we are informed that 6 witnesses out of the total 14 witnesses still remain to be examined.
2. The petitioner has been in custody for 783 days and charges were framed in February 2023. Moreover, one year has passed since then and there has been little progress in the trial.
3. We are also informed that a coordinate Bench recently directed the learned Additional Sessions Judge, 2nd Court, Jalpaiguri to submit a

Report within ten days as to the reasons for non-compliance of the order dated 17th October, 2022.

4. The Report submitted makes it clear that several dates have been fixed for examination of witnesses with the next date being fixed today, i.e. 5th March, 2024 for evidence and summons of the Charge-sheet witnesses.
5. Considering that the prosecution has continued to fail the time limits set by the Court from 17th October, 2022 onwards, we are inclined to grant the prayer for bail.
6. We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Additional Sessions Judge, 2nd Court, Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
7. CRM(DB) 46 of 2024 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

