

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

01.04.2024

Court No.01
rpan /07

C.R.M. (DB) 75 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re.: Utpal Biswasharma

- Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das
... for the petitioner.

Mr. Abhijit Sarkar,
Mr. Sagnik Sanakr Sikdar
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Ghoksadanga Police Station Case No. 126 of 2019 dated 29.04.2019 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner is in custody for more than four years and there is no possibility towards early conclusion of the trial. The evidence of the victim girl is already over and in such circumstances, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Sarkar, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statement of the victim girl, who was aged about 8 years on

the date of the alleged incident. He submits that there are strong incriminating materials on record against the petitioner.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, the gravity of the offence, the age of the victim girl, the manner in which the offence was committed and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in his favour at this stage.

Mr. Saha Podder expresses his anguish and inconvenience as regards the delay in progress of the trial. We take notice of such issue and direct the learned trial Court to expeditiously conclude the trial, preferably within a period of six months from date without granting any unnecessary adjournment to either of the parties.

With the above observations, the application for bail, being CRM (DB) 75 of 2024 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)