

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

**01.04.2024**

Court No.01  
rpan /15

**C.R.M. (DB) 80 of 2024**

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

And

**In Re.: Prasenjit Dey**

- Petitioner

Mr. Jaydeep Kanta Bhowmik,  
Mr. Sayanton Bhowmik,  
Mr. Shubham Kumar,  
Ms. Rikta Sarkar  
... for the petitioner.

Mr. Kallol Acharjee,  
Ms. Sukanya Adhikary,  
Mr. Sagnik Sankar 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 Pundibari Police Station Case No. 280 of 2023 dated 26.04.2023 under Section 6 of the POCSO Act

Mr. Bhowmik, learned advocate appearing for the petitioner submits that the petitioner has already suffered incarceration for more than 339 days and there is no possibility towards conclusion of the trial in the near future.

He further submits that the victim girl refused medical examination and upon completion of investigation, chargesheet has already been submitted and the victim girl's evidence is already over. In the said conspectus, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Sikdar, learned advocate appearing for the State denies and disputes the contention of Mr. Bhowmik and submits that there are strong incriminating materials on record against the petitioner and out of 9 witnesses 5 had already been examined.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary in the light of the arguments as advanced, the gravity of the offence, the age of the victim girl on the date of the alleged incident and the extent of the petitioner's complicity in the alleged offence, we are not inclined to exercise discretion in his favour, more so when only four witnesses are left to be examined. In view thereof, the petitioner's prayer for bail is refused at this stage.

However, the learned trial court is directed to take all expeditious steps towards conclusion of the trial without granting any unnecessary adjournment to either of the parties within a period of six months from date.

With the above observations, the application for bail, being CRM (DB) 80 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.)**