

Court No. 1

29.04.2024

(JCB 17)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 158 of 2024

^c
In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 175 of 2019 dated 10.03.2019 under Section 4/6 of the Prevention of Child from Sexual Offences Act.

And

In the matter of: Tapas Chakraborty @ Puchka
...petitioner

Ms. Pratibha Ray

... for the petitioner

Mr. Abhijit Sarkar
Mr. Tapan Bhattacharjee

... for the State

Mr. Sudip Guha
Mr. Sandip Guha Roy

... for the victim

1. Let the affidavit of service filed in court today be kept with the record.
2. Learned counsel for the petitioner submits that in view of the order passed by a Coordinate Bench on 17th August, 2023, the petitioner's bail application is required to be allowed.
3. We have perused the case diary and it is an admitted position that the petitioner has not been examined as yet.

4. Learned counsel for the State has produced relevant orders which would show that the delay in examination of the petitioner is not attributed to the State, moreover, the order relied upon by the petitioner, namely, CRM(DB) 447 of 2023 (in the matter of: Faterul Hoque @ Mozammel Haque @ M/s. Fatejul Haque @ Fatejul), cannot have any manner of application so far as the present proceeding is concerned having regard to the incriminating materials available in the case diary as well as the petitioner was named as the principal accused whose evidence is yet to be completed. In fact, on the earlier occasion several orders have been passed rejecting similar prayers.
5. In view of the fact that there is no change in circumstances, we are not inclined to allow the instant application for bail.
6. The application for bail is thus rejected.
7. However, in view of the fact that five out of ten witnesses have been examined in the meantime, we request the learned trial court to conclude the proceeding by invoking Section 309 Cr.P.C. within a time frame.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)