

Court No. 1

29.04.2024

(JCB 19)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

CRM (DB) 163 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 98 of 2020 dated 05.08.2020 under Section 6 of the Prevention of Child from Sexual Offences Act read with Section 376A of Indian Penal Code.

And

In the matter of: Radhaballav Sarkar @ Ballav Sarkar
...petitioner

Mr. Subhasish Misra
Mr. Satyajit Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Shankar Sikdar

... for the State

1. Learned advocate for the petitioner prays for the bail of the accused petitioner, especially on the ground of long incarceration.
2. While opposing the prayer for bail, learned advocate for the State submits before us that only the examination of the IO is required to be completed.
3. Since the trial has come to a fag end, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the present petitioner in view of the presence of sufficient incriminating materials as against him in the case.
4. Accordingly, prayer for bail is rejected.

5. However, considering the stage of the trial and also considering the long incarceration of the present petitioner, we direct the learned trial court to prepone the schedule of hearing of the IO in the month of June, 2024 and conclude the trial and to pass a reasoned judgement within three months thereafter.
6. Learned counsel for the State is hereby directed to communicate this order to the learned trial court as well as to the concerned IO in order to secure his presence on the preponed date as fixed by the learned trial court.
7. Learned Registrar, Jalpaiguri Circuit Bench, is also directed to communicate this order to the concerned trial court positively within a week from the date of passing of this order.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)