

29.04.2024
Court No.01
Item No. 30

Rejected

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (DB) 193 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Birpara Police Station Case No. 85 of 2023 dated 18.06.2023 under Section 6 of the POCSO.

And

In Re: Soumyadeep naha

Petitioner

Ms. Suman Sehanabis (Mondal)
Mr. Salok Sah
Ms. Anwasha Chakraborty

For the Petitioner

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

For the State

1. Admittedly, there is a direction of a coordinate bench on 25th September, 2023 to conclude the trial within a specified time. It is a fact that such time frame cannot be maintained. Materials have been placed before this Court and it is submitted that 11th June, 2024 has been fixed for recording the evidence of the victim.
2. In view of such and in view of the sufficient incriminating materials as against the present accused petitioner and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are not inclined to grant bail to the petitioner at this stage.
3. However, liberty is given to the present petitioner to renew his prayer, if so advised, after the evidence of the victim is over by the learned Trial Court.

We make it clear that no adjournment shall be granted on the date fixed for recording the evidence of the victim.

4. The prosecution shall make all endeavour for the attendance of the victim on the said date for recording the evidence.
5. The investigating officer of Birpara Police Station Case no. 85 of 2023 dated 18th June, 2023 is hereby directed to ensure the presence of the victim before the learned Court positively on the next date fixed before the learned Trial Court.
6. In view of the order passed by the coordinate Bench dated 25th September, 2023 directing the Special Court to frame charge and conclude the trail mandatorily and positively within a period of three weeks from date, we request the Judge, Special Court of Alipurduar to invoke Section 309 and conclude the trail as expeditiously as possible preferably within a period of six months from the date of recording of evidence of the victim.
7. The learned counsel for the State is hereby requested to communicate this order to the concerned I.O.
8. The learned Registrar, Circuit Bench of Calcutta High Court at Jalpaiguri is also requested to communicate this order to the learned Trial Court at the earliest.
9. The prayer for bail of the petitioner is rejected. CRM (DB) 193 of 2024 is, accordingly, dismissed.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)