

21.05.2024

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rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M.(DB) No. 251 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Phasidewa Police Station Case No. 81 of 2019 dated 16.03.2019 under Sections 468/471/420 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Uttam Sharma @ Uttam Kumar Sharma petitioner

Mr. Joydeep Kanta Bhowmik

Mr. Shubham Kumar

Ms. Sayantani Das

....for the petitioner

Mr. Ujjwal Luksom

Mr. Sagnik Sankar Sikdar

..... for the State

1. Learned Counsel for the petitioner submits he is in custody for over 1000 days. In spite of direction given by this Court in CRM(DB) 582 of 2023 trial has not concluded within eight months. He prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits trial has substantially progressed. Six witnesses have been examined. Examination of the remaining witnesses shall be concluded within six months from the next date fixed for recording evidence.

3. We have considered the materials on record. Allegations involve penetrative sexual assault on a minor whose

compromising photographs were circulated by the petitioner. Offence is serious and has far reaching social consequences. In September, 2023 a co-ordinate Bench of this Court directed trial to be concluded within eight months. Trial has substantially progressed and six witnesses have already been examined. Prosecution assures this Court that remaining witnesses shall be examined within six months subject to co-operation by defence and systemic delays. Under such circumstances we are not inclined to grant bail either on merits or on the ground of delay.

4. Application for bail is, thus, rejected.

5. Trial court is directed to expedite the trial and conclude the same in light of the assurance given to this Court.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)