

19.08.2024
Court No.1
SL No.3
AP/akb

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

CRM(DB) 289 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Siliguri Women** P.S. Case No. **174 of 2020** dated **29.10.2020** under Section **6** of the POCSO Act.

And

In the matter of: **Rubin Ergot**

....Petitioner.

Mr. Chanda Jha

...For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

...For the State.

1. The victim's family has been served. Affidavit of service filed in Court today is taken on record.
2. The application for bail is canvassed on the ground that the petitioner is in custody for more than four years.
3. It appears from the record that the trial is going on and two witnesses have been examined. The allegations in the charge sheet are, inter alia, that the victim was 14 years of age and physically challenged. The mother has deposed that her brother has sexually assaulted the victim.
4. Learned counsel for the petitioner relies upon unreported decision of the Hon'ble Supreme Court dated 22nd

April, 2024 in the case of ***Raju Dhobi Vs. State of Rajasthan*** (Criminal Appeal No.2212 of 2024).

5. It is not clear from the aforesaid judgment as to whether the victim in the said case was physically challenged or not.

6. Having regard to the evidence on record, this Court is of the view that the petitioner cannot be enlarged on bail at this stage.

7. The application for bail is, thus, rejected.

8. Given the fact that the petitioner is in custody for more than four years, this Court orders that the trial is conducted on day to day basis without granting any unnecessary adjournments to either of the parties. It is expected that the trial is completed within four months.

9. Registry shall communicate this order to the Court below.

(Rajasekhar Mantha, J.)

(Ajoy Kumar Mukherjee, J.)