

13.08.2024
Court No.1
SL No.13
pk/AP

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

CRM(DB) 291 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Malbazar** P.S. Case No. **25 of 2024** dated **11.01.2024** under Section **6** of the POCSO Act.

And

In the matter of: **Rahul @ Basanta Uraon @ Basant Oraon**
....Petitioner.

Mr. Debasish Mukherjee
Ms. Srishti Sarker

...For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

...For the State.

1. The application for bail is sought on the ground that the petitioner is co-accused, who is a friend of the principal accused Sourav Minj. He was not responsible for spiking the drink given to the victim girl.

2. Learned counsel for the petitioner places the second paragraph of the charge sheet, which indicates that the spiking substance was brought by Sourav Minj and Nitesh Oraon, the principal and co-accused respectively and not by the petitioner.

3. It is further submitted by the counsel for the petitioner that the petitioner is in custody for about 184 days. He is 18 years old and has just completed higher secondary examination.

4. Learned counsel for the State opposes the prayer for bail. In so far as the trial is concerned, it is submitted by the counsel for the State that the same is in full swing.

5. This Court has very carefully considered the charge sheet. The allegation inter alia under Section 376D of the IPC and Section 6 of the POCSO Act and the circumstances under which the victim girl was ravished as per the charge sheet do not rule out the active participation of the petitioner in the offence in question.

6. In view of the above, this Court is not inclined to grant bail to the petitioner at this stage.

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

8. However, this Court directs that the trial court to complete the trial as fast as possible preferably within a period of ten months from date.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)