

AD-4  
Ct No.01  
Jalpaiguri  
20.08.2024  
sp

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Appellate Side**

**CRM (DB) 299 of 2024**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Malbazar Police Station Case No. 661 of 2021 dated 07.11.2021 under Section 6/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Augustus Oraon @ Arustu Oraon

.. petitioner

Mr. Anirban Banerjee

..for the petitioner

Mr. Nilay Chakraborty,  
Mr. Sourav Ganguly

..for the State

1. The application for bail is pressed on the ground that the petitioner is in custody for about 1018 days. It is submitted that the charges were framed in March, 2023 and the trial is yet to commence.
2. It appears from the records that the application of the petitioner was rejected on two earlier occasions, i.e., 3<sup>rd</sup> August, 2022 and 5<sup>th</sup> June, 2023. It further appears from the charge sheet and the statement recorded under Section 164 of the Cr. P.C. and the T.I. Parade that the petitioner is the principal accused against whom charge sheet under Section 6 of the POCSO Act has been submitted.

3. This Court, however, notes that incarceration for about 1018 days nearly three years, and the trial still not having been completed till date, violates rights under Article 21 of the Constitution of India.
4. In such circumstances, this Court is inclined to given one last chance to the State to complete the trial within six months from date mandatorily and positively. In the event the trial has not completed by the Special Court within six months from date, the petitioner shall be enlarged on bail by the Court below. However, if the trial is completed, the liberty of the petitioner shall depend upon the result of the proceedings.
5. With the aforesaid observations, CRM (DB) 299 of 2024 is, thus, disposed of.
6. The Registry shall communicate a copy of this order to the Special Court below.
7. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court

**(Ajoy Kumar Mukherjee, J.)**

**(Rajasekhar Mantha, J.)**