

19.08.2024
Court No.1
SL No.10
AP/akb

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

CRM(DB) 325 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Jalpaiguri** P.S. Case No. **175 of 2019** dated **10.03.2019** under Sections **4/6** of the POCSO Act.

And

In the matter of: **Tapas Chakraborty @ Puchka**Petitioner.

Ms. Pratibha Ray
...For the Petitioner.

Mr. Nilay Chakraborty
Mr. Kallol Nag
...For the State.

Mr. Sudip Kr. Paul
...For the de facto complainant.

1. The application for bail is canvassed on the ground that the petitioner is in custody for more than five years and five months but only five out of ten witnesses have been examined.

2. Five several applications for bail have been filed by the petitioner. The fifth one is dismissed as not pressed. In each of the four bail applications that was dealt with by the Coordinate Benches particularly on 5th June, 2023 the Trial Court was directed to conduct the trial on day to day basis whereof it appears that long dates have been given.

3. This court expresses anguish on the failure on the part of the trial Court to comply with this Court's orders.

4. In view of the above, this Court directs that the trial to be mandatorily and positively concluded within a period of two months from 23rd August, 2024 i.e. the next date of trial.

5. It is made clear that in the event the trial is not completed within two months thereafter i.e. within 24th October, 2024, the petitioner shall be enlarged on bail by the Trial Court itself on the terms and conditions it may set.

6. However, if the trial is completed, liberty of the petitioner shall depend on the result of the trial.

7. This Court is compelled to pass the aforesaid directions in view of the rights of the petitioner under Article 21 of the Constitution of India and the repeated violations of this Court's order by the Trial Court and the prosecution.

8. With the aforesaid direction, the application for bail is disposed of.

9. Registry shall forthwith communicate this Court to the Court below and the District Judge, Jalpaiguri.

(Rajasekhar Mantha, J.)

(Ajoy Kumar Mukherjee, J.)