

03.12.2024
SL No.39
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

C.R.M. (DB) 637 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 filed on **26.11.2024** in connection with **Pradhan Nagar** P.S. Case No. **201/2023** dated **23.03.2023** under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Suresh Ram**

....Petitioner

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Ms. Jasmin Haque,
Ms. Moumita Shome,
Ms. Dipa Das

...for the petitioner

Mr. Sourav Ganguly,
Mr. Sanjiv Das

...for the State

Affidavit-of-service is taken on record. Service upon the de facto complainant has been effected. Despite service, none appears on behalf of the de facto complainant.

The petitioner renews his prayer for bail on the ground that he is in custody for 621 days and the learned coordinate Bench had directed that the trial should be concluded preferably within six months from June 18, 2024. Despite such orders, five schedule dates have passed, but the prosecution has failed to produce the witnesses.

Learned Additional Public Prosecutor submits that the six months' period is not over and the petitioner cannot take

advantage of such order. Statements recorded under Section 164, Cr.P.C. connects the petitioner to the alleged offence.

We have considered the number of days the petitioner is in custody. We have noted that there has hardly been any progress in the trial since the last order of the learned coordinate Bench.

Considering the fact that early conclusion of trial is not possible, we are inclined to release the petitioner on bail. The prayer for bail is allowed.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Special Judge under POCSO Act, Siliguri. The petitioner will attend the learned trial court on the dates fixed. The petitioner shall not leave the territorial jurisdiction of the trial court and will furnish his present address to the local police station where he will be henceforth residing. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as stated hereinbefore, it is open to the learned trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)

