

03.12.2024
SL No.41
s.biswas
(Rejected)

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

C.R.M. (DB) 643 of 2024

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **Kharibari** P.S. Case No. **242/2023** dated **04.09.2023** under Sections **376(2)(i)/506** of the IPC read with Section **6** of the POCSO Act..

And

In the matter of: **Sitaram Singha**

....Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

...for the Petitioner

Mr. Saikat Chatterjee

Mr. Chattu Roy

...for the State

1. Petitioner prays for bail on the ground of prolonged detention and uncertainty in conclusion of trial. He submits that FIR was lodged to wreak vengeance on account of political differences.
2. The de facto complainant and the victim are present in court. They have instructed the State advocate to oppose the prayer for bail of the petitioner.
3. Learned advocate for the State produces the case diary and opposes the prayer for bail.
4. We have gone through the materials on record, especially the statement of the victim recorded under Section 164 of the Cr.P.C. and the medical report. We find that 19 witnesses

have been cited and the deposition of the victim is over. State undertakes to make sincere efforts so that the trial is concluded within six months. We find from the records that on two occasions, the petitioner did not press the application for bail. Thereafter the Co-ordinate Bench rejected the prayer for bail on the basis of the statement of the victim recorded under Section 164 of the Cr.P.C and also the medical report.

5. Under such circumstances, we do not find any reason to differ from the earlier order passed by the earlier Co-ordinate Bench as there are no changes in circumstances. The application for bail is, thus, rejected. The learned trial judge is requested to conclude the trial within a period of six months in view of the fact that the deposition of the victim is over.
6. All parties shall act on the basis of the server copy of the order.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)