

02.01.2024
Sl. No. 05
Srimanta

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

CRM(DB)/705/2023

**In Re : An application for bail under Section 439 of the
Code of Criminal Procedure**

And

**In the matter of : Md. Ali Khan @ Hossain @ Md.Ali
...Petitioner.**

Mr. Imdadul Hoque

...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra,
Mr. Biswarup Roy

...for the State.

Affidavit-of-service filed in Court today be kept with the
record.

Heard Mr. Imdadul Hoque, learned Advocate for the
petitioner and Mr. Aditi Shankar Chakraborty, learned
Advocate for the State.

Learned Advocate appearing for the State has produced
before us a report of the Officer-in-Charge, Jorebunglow,
P.S.-Darjeeling regarding status of the trial in Case No. 40/19
dated 12.05.2019 under Section 376(3) of the Indian Penal
Code read with Section 4/6 of the POCSO Act, which is kept
on record.

We have perused the report as produced by the State
Advocate and we find that 11 witnesses have been examined
between 9.6.2022 to 19.12.2023. Only 3 witnesses stated to
be mentioned in supplementary charge-sheet, i.e. the
witnesses nos. 12, 13 and 14, are to be examined and for
which 6.2.2024 and 7.2.2024 are the dates fixed for
disposition of the aforesaid charge-sheet witnesses.

Considering the facts and circumstances of the case,
the seriousness of the alleged offence and the stage of trial,
we do not find any good reason to enlarge the petitioner on

bail. Consequently, the bail application is rejected. It is, however, observed that the prosecution shall get examined the remaining witnesses, i.e. the charge-sheet witnesses nos. 12, 13 and 14 on the next date fixed. It is expected that the learned Trial Court shall conclude the trial very expeditiously. Subject to the observations aforementioned, the bail application is rejected.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)