

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

28.04.2025
(ct. no.03)
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BR

CRM (DB) 109 of 2025

In Re : An application for bail under Section 439 of the Code of Criminal Procedure/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : John Tirkey

.... Petitioner.

Mr. Arunava Paul
... For the Petitioner

Mr. Adit Shankar Charkaborty, Ld. APP
Mr. Aniruddha Biswas

... for the State.

1. Affidavit of service filed by the petitioner be kept with the record.
2. The prayer for bail in this case arises out of an order dated 15.09.2023 passed by the learned Special (POCSO) Judge at Siliguri in Special (POCSO) Case No. 35 of 2023 corresponding to Bagdogra Police Station Case No. 184 of 2023 dated 2.5.2023 under Section 6 of POCSO Act thereby rejecting the petitioner's prayer for bail.
3. It is the case of the petitioner that he is in custody since 2.5.2023 that is for almost 2 years and only five witnesses have been examined in trial.
4. The State has placed the case diary from wherein it appears that the victim is aged about 13 years.
5. Learned counsel for the State submits that as trial has commenced the medical report is before the trial Court.

6. On perusal of the statement of the victim recorded under Section 164 of the Criminal Procedure Code, **the stage of trial** and the materials on record, the prayer for bail of the accused, on considering the fact that trial has already progressed stands rejected.
7. Learned trial Court is directed to make all endeavour to complete the trial expeditiously preferably within a period of one year from the date of this order keeping in mind the mandatory provisions under the POCSO Act.
8. **CRM (NDPS) 109 of 2025 stands disposed of.**
9. All connected application stand disposed of.
10. Interim order, if any, stands vacated.
11. Copy of this order be sent to the learned Trial Court for necessary compliance.
12. Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)