

18.06.2025

Item No.51

Ct.No.2

dc.

Rejected

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

C.R.M. (DB) 195 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with New Cooch Behar GRPS Case No. 10 of 2022 dated 25.07.2022 under Sections 376(2)(d)/376(3) of the Indian Penal Code read with Sections 6/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : **Sailesh Kumar @ Shailesh Kumar** ... Petitioner.

Mr. Sandipan Ganguly, Sr. Adv.,
Mr. Biswajit Manna,
Mr. Hillol Saha Poddar ... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
Mr. Tapan Bhattacharjee ... For the State.

Notice served upon the *de facto* complainant through the Inspector-in-Charge of the concerned police station be kept with the record.

Mr. Ganguly, learned senior advocate appearing for the petitioner submits that the petitioner was initially granted interim bail. However, the said bail was cancelled by this Hon'ble Court on 17th November, 2023. The said order was challenged before the Hon'ble Apex Court and the order of cancellation of bail was affirmed by the Hon'ble Supreme Court. Subsequently the petitioner surrendered on 17th February, 2024 and since then he is in custody. Learned senior advocate submits that out of 38 witnesses so cited by the prosecution, till date only 13 witnesses have been

examined and the petitioner is in custody for more than 15 months. Learned senior advocate further submits that earlier when the petitioner approached this Court, a time frame was fixed to complete the trial of the case within one year and in the next ten and a half months only eight witnesses have been examined.

Learned advocate appearing for the State produces the case diary, refers to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure as well as the medical evidence.

I have considered the materials so produced by the State as also the stage of the case wherein 13 witnesses have been examined out of 38 witnesses so cited by the prosecution. Having considered the same, at this stage, I am not inclined to release the petitioner on bail. As such, the prayer for bail of the petitioner is **rejected**.

However, I direct the learned Trial Court to expedite the process of the trial and in case the trial cannot be completed within 30th November, 2025, the learned Trial Court will release the petitioner on bail. Obviously the same would be subjected to conditions that unnecessary lengthy cross-examination should be assessed by the learned Trial Court and that the learned advocate appearing for the petitioner would participate in the trial of the case in spite of any resolution of the local Bar.

The application for bail, being CRM (DB) 195 of 2025, is, thus, disposed of.

Learned Registrar, Circuit Bench of Calcutta High Court at Jalpaiguri will communicate this order to the learned Special Court.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)