

17.06.2025
Serial no. 7
[G.S.D]

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

CRM (M) 131 of 2025

In re : An Application under Section **483** of the BNSS, 2023 in connection with **Sessions Case No. 28 of 2021 (POCSO) arising out of Malbazar P.S. Case No. 661 of 2021 dated 07.11.2021 under Sections 6/17 of the POCSO Act, 2012.**

-And-

In the matter of : Suraj Oraon

... Petitioner(s)

Mr. Anirban Banerjee
Mr. Md. M. Rahaman

... for the petitioner(s)

Mr. Nilay Chakraborty
Ms. Namrata Das

... for the State

Affidavit-of-service so filed be kept with the record.

Learned advocate for the petitioner submits that the petitioner was arrested on 7th November, 2021 and since then he has been in custody. It has also been submitted that another accused similarly situated has been released on bail pursuant to the directions passed in CRM (DB) 299 of 2024.

It has also been submitted that on any stringent condition the petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits that the learned trial court has

elaborately dealt with the issue of delay in the trial as the petitioner is in custody for three years and seven months. However, for reasons beyond control and systematic delay, the trial could not be till date taken to its logical conclusion.

I have taken into account the directions passed in CRM (DB) 299 of 2024. Paragraph 4 of the said order is as follows:

'4. In such circumstances, this Court is inclined to give one last chance to the State to complete the trial within six months from date mandatorily and positively. In the event the trial has not completed by the Special Court within six months from date, the petitioner shall be enlarged on bail by the Court below. However, if the trial is completed, the liberty of the petitioner shall depend upon the result of the proceedings."

I have considered also the evidence of the victim and I find that the present petitioner is similarly situated as the other accused namely, Augustus Oraon @ Arustu Oraon. The said accused has been released on bail by the learned trial Court pursuant to the directions so passed on 20th August, 2024 by the Hon'ble High Court.

Having considered the evidence, I am of the view that the same facility of liberty may be extended to the present petitioner. Consequently, the prayer for bail of the petitioner is **allowed**.

The learned Special Court will impose the same condition as was imposed in respect of the other accused

namely, Augustus Oraon @ Arustu Oraon by its order dated 25th February, 2025.

Accordingly, CRM(M) 131 of 2025 is disposed of.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)