

IN THE SPECIAL COURT OF PROTECTION OF CHILDREN FROM SEXUAL  
OFFENCES (POCSO), RAMPURHAT, BIRBHUM

Present : Sri Sudipta Bhattacharjee, Judge, Special Court (POCSO), Rampurhat

Special Case No.15/2021

Mayureswar P.S. Case no.115/2021 dt.30.07.2021

(CNR No.WBBB05-000421-2021)

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12.08.2021 The accused Gangadhar Das is produced from J.C. and is remanded to J/C till date.

A bail petition along with vokalatnama is filed on behalf of the accused. Let it be kept with the record. It is seen by Ld.Special PP.

At this stage the case record is taken up for hearing of the bail petition.

Ld.lawyer for the accused has submitted that the accused has been falsely implicated in this case due to political rivalry between two parties namely TMC and BJP. The alleged incident took place four months ago, but no cogent reason has been assigned as to why the case was filed after lapse of four months. Thus he prayed for bail.

Ld.Special PP has raised strong objection against the prayer for bail. According to him there is no political rivalry between two parties. The age is not criteria for allowing or rejecting of bail prayer. The accused has sufficient capacity for sexual cohabitation with a girl. He pointed out that a 13 years old girl is victim in this case.

Perused the case record and C.D.

It appears from the case record that a 13 years old girl has been ravished and subsequently she became pregnant. In the statement of the victim recorded by Ld.Magistrate u/s 164 Cr.P.C. it clearly reveals that there are sufficient materials about the involvement of the accused person in the commission of offence. The investigation is going on. From the investigation it reveals the victim is pregnant. Considering all these facts and circumstances, I am not inclined to enlarge the accused on bail.

Hence the prayer for bail stands rejected.

Return the C.D. and call for the same on the date fixed.

To 26.08.2021 for production and report in final form.

A petition along with some documents is filed by the defacto complainant for termination of the pregnancy of the victim girl which is taken up for hearing.

Ld.lawyer for the defacto complainant has submitted that the victim is pregnant for about four months and she wished to get her pregnancy terminated as she reluctant to carry her pregnancy. The victim is aged about 13 years. The parents of the victim appeared before the court and intended to terminate the pregnancy of the victim and gave consent for the same. Thus a petition is filed for necessary permission for termination of pregnancy.

Ld.Special PP also supported the contention as made by the parents of the victim.

According to Medical Termination of Pregnancy Act, 1971, the pregnancy may be terminated by registered medical practitioner as delineated in section 3 of the Act and the place for termination of her pregnancy is mentioned in

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section 4 of the said Act. According to explanation (I) of section 3, where any pregnancy is alleged by a pregnant woman to have been caused by rape, the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman. Admittedly the victim girl is pregnant as it appears from the materials of the C.D. The I.O. examined the doctor who examined the victim, who confirmed the pregnancy of V.G. after conducting urine test. It is a case of rape and the wishes of pregnant woman cannot be ignored, particularly when the allegation is that the said victim girl was pregnant due to the rape allegedly committed by the accused. The parents of the V.G. also appeared before the court. The victim girl is present.

In such circumstances, the I.O. is directed to produce the Victim Girl before the Appropriate Authority of Rampurhat Medical College and Hospital, Rampurhat as mentioned in section 4 of the Act within **THREE DAYS** for considering the prayer of the Victim Girl as well as her guardian/mother and to submit report by the date fixed to that effect.

The Principal/MSVP of Rampurhat Medical College and Hospital, Rampurhat is directed to take immediate action in this regard mentioned above as and when produced the V.G. before him by the I.O.

To date.

Let a copy of this order be sent to O/C of Mayureswar P.S. for information and taking necessary action.

Let another copy of this order be sent to I.O. of this case through O/C Mayureswar P.S. for information and compliance.

Let other copy of this order be sent to the Principal/MSVP of Rampurhat Medical College and Hospital, Rampurhat through I.O. of this case/O.C. Mayureswar P.S. for information and necessary action.

Dictated and corrected  
Sd/-S.Bhattacharjee  
Judge, Special Court (POCSO)

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Judge, Special Court (POCSO)  
Rampurhat, Birbhum  
JO Code-WB00794