

**Special (POCSO) Case No.02/2020**

**CNR No.WBBD090001012020**

Order No.33 dt.12/07/2021

The application for bail submitted on 07/07/2021 is taken up for hearing.

Heard the Learned Advocate for the accused person Bablu Mahato and the Learned Special PP in-charge.

Perused the materials on record and in the CD.

The Learned Advocate for the accused submits that the accused has been suffering behind the bar without trial since 10/02/2020 and law abhors pretrial detention. The Learned Advocate further submits that two families are on the verge of ruining and for the sake of family peace, the accused may be granted bail and moreover, there is no chance of his abscondance as he has a fixed place of residence. The Learned Advocate also submits that it is not reflected in the order sheet that charge sheet was received and cognizance was taken.

The Learned Special PP in-charge opposes the prayer for bail and submits that the accused committed a heinous offence. When his wife had been in the hospital for delivery of her child, he committed penetrative sexual assault on his minor sister-in-law repeatedly and impregnated her and she delivered a child and DNA test has been established the paternity of the child. The Learned Special PP in-charge further submits that it is specifically noted in the order sheet that charge sheet was received on 13/04/2020.

Perused the CFSL report taken out from the sealed envelope which is with the case record. On perusal of the materials on record and in the CD, it appears that the IO of the case recorded statement of the victim girl who also made statement before the Learned Magistrate corroborating the allegation made in the FIR. Scientific evidence supports the charge brought against the accused.

Considering the nature and seriousness of the offence alleged and supporting materials in the CD rising trend of offence against the child and woman and its impact on the society, the prayer for bail is rejected. CD be returned.

Copy of CFSL report be supplied to the prosecution and the accused.

**To date (23/08/2021)** for production of the accused person and consideration of charge.

D/c by me

Sd/-

Judge Special Court (POCSO Act)  
-cum- ASJ, 1<sup>st</sup> Court, Durgapur

Sd/-

Judge Special Court (POCSO Act)  
-cum- ASJ, 1<sup>st</sup> Court, Durgapur