

Special (POCSO) Case No.-02/2020

Order No.08 dt.15/03/2022

The accused Bablu Mahato is produced from the correctional home.

The Learned Advocate for the accused and the Learned Special PP are present.

No witness is present.

The Learned Special PP submits that filled in summons to witness was not submitted for issuance by the court as the local Bar continued resolutions for not passing adverse order.

The Learned Advocate for the accused moves an application for bail. Heard.

Perused the materials on record.

The Learned Advocate for the accused submits that the accused has been in custody since 08/02/2020. The survivor was married off and her child is staying in the family of the accused. There are no other earning member in the family.

The Learned Special PP opposes the prayer for bail.

It is alleged that when his wife was admitted in the hospital to deliver her child the accused had penetrative sexual assault with his sister-in-law resulting in her pregnancy. Charge has been framed for the offence u/s-4/6 of the POCSO Act and 376(3) of the IPC. The survivor was below 16 years of age at the relevant time of incident.

Considering the nature and seriousness of the offence alleged, the relation between the accused and the survivor, the circumstances under which the alleged offence was committed and its impact on the society and severity of the punishment in case of conviction, the prayer for bail is rejected. The accused is remanded to JC till next date.

To 20/04/2022 for examination of the CSW 1.

21/04/2022 for examination of the CSW 5.

Issue summons to witnesses accordingly.

To date (20/04/2022) for production of the accused.

D/c by me

Sd/-

Judge Special Court (POCSO Act)
-cum-ASJ, 1st Court, Durgapur
J.O. Code No.WB00681

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