

Special (POCSO) Case No.01/2021

CNR No.WBBD090001552021

Order No.16 dt.12/07/2021

The application for bail filed on behalf of the accused Md. Tarik on 05/07/2021 is taken up for hearing.

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

The Learned Advocate for the accused submits that the FIR-maker did not witness the said accused to commit the offence alleged. He lives far away from the place of occurrence. His name transpired from the statement of the co-accused but it has no evidentiary value.

The Learned Special PP in-charge opposes the prayer for bail and submits that this is a case of gang rape on a mentally challenged child. There are adequate corroborating materials in the CD.

On perusal of the record, it appears that trial has commenced. The PW1 who happens to be mother of the victim child has adduced evidence in part and her cross-examination has been deferred on the prayer of the defence. Name of the present accused is also mentioned by the PW1. The victim child is yet to be examined.

Considering the facts and circumstances of the case, supporting materials in the CD and also in view of Section 29 of the POCSO Act, the prayer for bail is rejected. CD be returned.

To date (05/08/2021) for production of the accused person and further evidence.

D/c by me

Sd/-

Judge Special Court (POCSO Act)
-cum- ASJ, 1st Court, Durgapur

Sd/-

Judge Special Court (POCSO Act)
-cum- ASJ, 1st Court, Durgapur