

Special (POCSO) Case No.-29/2021  
Ref: Andal PS Case No.345/2021 dt.01/12/2021  
CNR-WBBD090016272021

**Hybrid mode**

Order No.10 dt.01/02/2022

The Learned Advocate for the complainant engaged by the Sub Divisional Legal Services Committee, Durgapur is present.

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

The application for bail filed on 28/01/2022 is taken up for hearing. Heard the Learned Advocate for the accused and the Learned Special PP.

Perused the materials on record and in the CD.

The Learned Advocate for the accused submits that the accused is a senior citizen. During COVID pandemic situation his continued confinement in the jail may pose a serious risk to his health. Investigation has been completed. He is a local resident. There is no chance of his absconsion. Further detention will serve no purpose.

The Learned Special PP leaves the matter to the discretion of the court.

It is alleged that the accused being the private tutor committed penetrative sexual assault within the meaning of section 3 of the POCSO Act on the child. The child in her statement before the Learned Magistrate corroborated the allegations. During investigation prima facie case has been made out and charge sheet for the offence u/s-376(2)(f)/376(3) of the IPC and 4/8 of the POCSO Act has been submitted.

Considering the nature and seriousness of the offence alleged and the facts and circumstances of the case including relation between the parties, the prayer for bail is rejected. CD is returned.

**To date (28/02/2022)** for production of the accused.

D/c by me

Sd/-

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

Sd/-

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