

Order No. 05  
Dated 29.01.21.

Accused Pranab Das is produced from J/C.

Ld lawyer for the accused person is present with fresh V.nama.

Ld P.P. is present with case diary.

A bail petition has been filed on behalf of the accused person.

Heard both the sides. Perused the materials on record and CD. Considered.

Ld P.P., Bankura, raises objection.

Ld Defence lawyer submits that if the accused person is released on bail then the accused person would reside at his matrimonial house within jurisdiction of Purulia Town PS. He submits further that no such incident occurred as alleged in this case.

Ld P.P. submits that the survivor child is only 15 years old and her statements have been recorded u/s 164 Cr.PC. According to Ld P.P., Bankura, statements of the survivor child recorded u/s 164 Cr.PC would disentitle the accused person from getting an order of bail in this case.

On perusal of the statements of the survivor child recorded u/s 164 Cr.PC lying at page 49 and 50 of the case diary, it appears that there is no allegation of commission of penetrative sexual assault raised against the accused person. Medical report dated 15.01.21 lying at page 26 of the case diary appears to be benign. The accused petitioner is in custody for a considerable period and investigation in this case has progressed to a considerable extent. Perception of trauma to the survivor child, in the attending facts and circumstances of this case, can be mitigated by directing the accused person to stay outside jurisdiction of Bankura Women PS.

Considering all the above facts and circumstances, prayer for bail submitted on behalf of the accused Pranab Das stands allowed.

Accordingly, accused Pranab Das may find bail of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each subject to satisfaction of Ld. Chief Judicial Magistrate, Bankura, i.d. to j/c till 12.02.21 under following conditions -

1. that he shall not enter into the jurisdiction of Bankura PS and shall stay within jurisdiction of Purulia PS in district Purulia as submitted by Ld defence lawyer.

2. that he shall report to the Officer-in-Charge of Purulia Town PS daily till further order ;

3. that he shall submit his address of residence along with mobile phone number to the Officer in charge of Purulia PS ;

4. that he shall submit address of place of residence along with mobile phone number to the Officer-in-Charge of Bankura Women PS (Investigating Officer) immediately after his release ;

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5. that he shall leave jurisdiction of Bankura PS immediately after his release upon submitting address of his residence at Purulia along with his mobile phone number to the Officer-in-Charge of Bankura Women PS ;

The Officer-in-Charge of Bankura Women PS who is also the Investigating Officer of this case, is directed to keep strict vigil in co-ordination with the Officer-in-Charge of Purulia Town PS upon movement and activities of the accused person. She shall also undertake sudden visits to the house of the accused person at Bankura and if the accused person is found at his house or anywhere in Bankura, then he shall be arrested by any police officer of Bankura and in that eventuality, this order granting interim bail to the accused person shall stand cancelled automatically without any further reference to this Court.

If on bail to 12.02.21 for appearance and IO's report.

Send a copy of this order to Ld. Chief Judicial Magistrate, Bankura who will issue release order upon his satisfaction about bail bond, if submitted by the accused petitioner.

Send a copy of this order to the Investigating Officer of this case as well as to the Officer-in-Charge of Purulia Town PS through the Court Sub-Inspector (CSI) of Bankura for information and compliance.

The Investigating Officer of this case shall also send a copy of this order to the Officer-in-Charge of Purulia Town PS without any further delay.

Return CD.

Dictated & Corrected

Judge, POCSO Court, Bankura

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