

Order No. 03
dated 19.02.21

Accused Swapan Mondal is produced from j/c through VCS.

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 Defence lawyer submits that the accused person is innocent and statements of the survivor child recorded u/s 164 Cr.PC would not disclose any incriminating material against the accused petitioner.

Ld Spl P.P. raises objection.

It is unfortunate that the material in the case diary which ought to be within the special knowledge of the Investigating Officer as well as within the special knowledge of the Spl P.P. has been submitted by none other than the defence before this Court.

Such glaring facts should be brought into the notice of Id District Public Prosecutor, Bankura, forthwith.

Considering the materials available in the case diary and initial stage of investigation, this Court is not inclined to release the accused petitioner in this case at this stage.

Accordingly, prayer for bail submitted on behalf of the accused person in this case stands rejected at this stage.

Send a copy of this order to the Id Public Prosecutor, Bankura, for information and taking appropriate action.

(Contd...)

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The accused be remanded to j/c till 05.03.21.

To date for production of the accused person through VCS.

At this stage, a prayer has been submitted by the Investigating Officer seeking medico legal examination of the survivor child at Midnapur Medical College & Hospital, Midnapur, on the ground that the survivor child is now lodged at a Shelter Home there.

Heard ld Spl P.P.

Prayer submitted by the Investigating Officer appears to be reasonable and proper in the interest of effective investigation in this case.

Accordingly, prayer submitted by the Investigating Officer seeking Medico Legal Examination of the survivor child at Midnapur Medical College & Hospital, West Midnapur is hereby allowed.

Send a copy of this order to the Superintendent of the concerned Home through the Investigating Officer with a direction to hand over the survivor child to the appropriate police personnel for medico legal examination of the said child.

Send a copy of this order to the Child Welfare Committee, Bankura, as well as to the Child Welfare Committee, West Midnapur through the Investigating Officer.

Return CD. Call for CD on the date fixed.

Dictated & Corrected

Judge, POCSO Court, Bankura.

Judge, POCSO Court, Bankura.

