

Order No. 18
dated 04.05.2024

The record is taken up for hearing of the bail petition filed on behalf of the accused persons namely, Ganesh Karmakar, Bikash Karmakar, Bimal Karmakar and Prasanta Karmakar.

Ld defence lawyer submitted that the accused persons demanded the phone number of the VG and over that matter a dispute has cropped up but the alleged incident has not taken place. It is further submitted that the defacto complainant is more than 18 years and as such POCSO Act is not applicable to her whereas the sister of the complainant was aged about 16 years and as such the POCSO Act is applicable to her. It is next submitted that the VG did not state the name of the accused persons whereas the complainant has stated the name of the accused. Ld Advocate submitted that the attempt to commit rape is not applicable in this case as because as per allegation the pant of the VG was removed and no such overt act was done by the accused persons. Ld Advocate placed the bail application of Ganesh Karmakar and submitted that against him no such allegation is there in the complaint and the accused persons have been falsely implicated in this case and prays for bail.

Ld Spl P.P. in charge raised vehement objection against the bail prayer and submitted that the allegation against the accused persons is that they took both the VGs to the bank of the pond and their intention was to commit rape upon the VGs.

Heard both sides. Perused the CD together with the statements of the VGs and it appears that the accused persons divided in two parts. Two of them took the complainant to the bank of the pond and another two persons took the another VG to the bank of the pond. It further appears that the accused persons touched the body of the VG and the two persons who took the minor VG and put off her pant. The charge sheet has been filed. Now, considering the allegation and materials in CD, the prayer for bail of the accused persons is rejected and they are remanded to j/c till 24.05.24.

To date (24.05.24) for production and consideration of charge.

Dictated & Corrected

Judge, POCSO Court, Bankura.

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