

Spl. Case No. 09 of 2019

Order No 13

Dated 07.08.2019.

Accused Sabitri Mondal and Amar Mondal are produced from J/C. Rests two accused persons on CB are present.

Copies of documents submitted u/s 173 Cr.P.C be supplied to the accused persons.

A bail petition has been filed on behalf of accused Sabita Mondal.

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

Ld. Defence lawyer submits that accused Sabitri Mondal happens to be mother of accused Amar Mondal. He submits further that being a village lady, it would be too much to expect that mother of the boy would agree to marriage of her son without dowry. Ld. Defence lawyer submits that investigation in this case is complete and so she should be enlarged on bail in this case.

Ld. Spl. PP raises objection submitting inter alia that the accused mother happens to be the master mind of the entire case as would be revealed from materials available in the CD.

Fact remains that though the accused petitioner happens to be mother of the principal accused person but her footing, as revealed in the CD, is different from that of other two accused persons who have been enlarged on bail by this Court. Statements of the victim child recorded u/s 164 Cr.P.C would reveal that the accused mother played a vital role in the chain of circumstances leading to an ignominious end to fate of the victim child. Admittedly, the victim is a child within meaning of the POCSO Act. Statements of an independent witness at the vicinity of the place whereas the victim child was confined, lying at page 73 of the CD, would make it clear that the accused mother played a vital as well as leading role in the entire state of affairs in this case. Her release in this case at this stage would defeat right of the victim child to lead a trauma free life.

Considering all the above facts and circumstances, this Court is not inclined to release accused Sabita Mondal @ Sabitri Mondal on bail in this case at this stage. Accordingly, prayer for bail submitted on behalf of Sabita Mondal stands rejected. She be remanded to J/C till 22.08.2019.

To 22.08.2019 for consideration of charge and production of the accused person from J/C.

As investigation in this case has already been completed, so there appears no necessity for accused Panchanan Mondal and Netai Mondal to meet the investigating officer daily as directed by this Court in previous occasion. So that condition imposed upon accused Panchanan Mondal and Netai Mondal stands withdrawn and their prayer to that effect stands allowed. To date for their appearance.

Return CD.

Dictated & Corrected by

Judge, Spl (POCSO) Act, .
2nd Court, Bankura

Judge, Spl (POCSO) Act, .
2nd Court, Bankura

