

*Order No. 08
dated 12.12.24.*

Today is fixed for hearing of the bail petition dated 07.12.24. Two separate bail petitions are also filed on behalf of the accused persons.

Ld advocate for the accused persons and the ld Spl P.P. in charge submitted that no bail petition is pending before the Hon'ble Higher Courts. The bail petitions are taken up for hearing.

Ld defence counsel for the accused persons namely, Dhiren Bauri, Mithu Bauri and Rahul Bauri submitted that admittedly, there was a love affairs in between the victim girl and Rahul Bauri and she on her own will came to the house of Rahul Bauri. The other two accused persons are the parents of accused Rahul Bauri and they have no knowledge about the love affairs of the Rahul with the victim girl. The allegation against the parents is not correct and they were in no way connected with the alleged offence. It is further submitted that all the accused persons have been brought on record and they are in custody and only after giving treatment by other accused Biswanath Banerjee, the victim girl had died and these accused persons have no knowledge about the treatment and they have been falsely implicated in this case and prays for bail.

Ld advocate for the accused Biswanath Banerjee submitted that the accused is in custody and the investigation is still in progress. It is further submitted that the accused is a RMP and he has registration number. It is further submitted that the accused has no connection with the other three accused persons and he has only given treatment to the victim girl. So, the sections with regard to kidnapping and committing murder and other offences is not applicable to him, whereas the medical negligence is at best applicable to him. It is next submitted that what medicine was consumed by the victim girl and whether it was prescribed medicine of the accused or not is a matter of trial and the accused has hearth and home and he may be released on bail on any condition.

Ld Spl P.P. in charge raised vehement objection and submitted that the investigation is still in progress and the allegation against all the accused persons is serious and they were liable for the death of the victim girl.

Heard both sides. Perused the FIR and other materials in CD. On perusal of the PM report, it appears that certain injuries were found on internal intersection of the dead body of the victim girl. The seized medicine and other articles were sent for chemical examination and opinion of expert. Prima facie the involvement of the accused persons with the alleged offence, as it appears from the materials in CD, cannot be ruled out at this stage.

Accordingly, considering the materials in CD and gravity of the offence, the prayer for bail of the accused persons are rejected.

To date (19.12.24). Return CD.

Dictated & Corrected

Judge, POCSO Court, Bankura.

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