

POCSO No. 16 / 2023

Reg. No. 17 / 2023

Order No. 12 / 17.10.2023

Today is fixed for IO's report. The IO has not yet filed his report.

The accused Chanchal Khetrpal @ Bauri is produced from JC. He is taken into custody and again remanded to JC till 16.11.2023 (As the puja vacation intervenes). The other Pramila Khetrpal @ Bauri is present by filing hazira.

One bail petition has been filed on behalf of the above named accused.

He has prayed for his bail. The copy of the bail petition has been served upon Ld. PP who is present before this court.

It is submitted by the Ld. Advocate for the accused that accused is in custody since 11.08.2023 and the investigation of the case has been proceeded to a large extent. He further added to his submission that after keeping the accused in custody for nearly about 58 days his further detention for the purpose of investigation is not at all required and hence he may be enlarged on bail.

On the other hand, Ld. Spl. PP has raised strong objection to the bail prayer and submitted there are materials against the accused in the CD and hence she should not be enlarged on bail.

I have heard both the parties at length and have gone through the CD. In this case though the CS has not been submitted but the CD shows the IO has prepared memorandum of evidence and has send the same for obtaining permission to submit the charge sheet. On perusal of the said memorandum of evidence it appears that IO has proposed to submit the CS against the present accused u/s. 341 / 324 / 326 / 307 / 34 IPC and also u/s. 8 of POCSO Act and the investigation of the case is over. In such circumstances I do not find any justification in keeping the accused behind the bars particularly when there is no indication in the CD that he may abscond or has any capacity to tamper with the evidence.

Accordingly, the accused Chanchal Khetrpal @ Bauri may find bail of Rs.5,000/- with two sureties of Rs.2500/- each to the satisfaction of Ld. A.C.J.M, Bishnupur on condition that he shall appear before this court on each dates as would be fixed for hearing of this case and shall not make any attempt to make any contact or communication with the victim or her family members.

To date (16.11.2023) for appearance of the accused and IO's report.

CD be returned.

D/C by me

Addl. Sessions Judge,

Addl. Sessions Judge,

Bishnupur, Bankura.

Bishnupur, Bankura.