

Special Case. No. 01/2024
CNR no-WBBK090000142024

State Vs. Sudip Das

In connection with the Hirbandh P.S. Case No. 69 of 2023 dated 28-12-2023 u/s 363/365 of the IPC and add. Sec. U/S 376(2)(n) of the IPC and under section 4 of the POCSO Act.

Order No. 21
Dated 20.01.2025

Today is fixed for hearing of bail petition, dated 18.01.2025 filed on behalf of the accused namely Sudip Das and prosecution evidence.

Ld. Advocate for the accused moves the instant petition praying for bail of the accused Sudip Das.

Ld. Special P.P. is present before the court.

Heard both sides.

Considered.

Perused the instant petition and materials in the C.D.

It is submitted on behalf of the parties that no application for bail of the accused person was rejected by the Hon'ble High Court, Calcutta or by any other higher court.

It is also submitted that no application for bail of the accused person is pending before the Hon'ble High Court or before any other court.

It is submitted on behalf of the accused that the accused has been suffering custody since the date of his arrest i.e., on 02-01-2024 but the victim does not say anything against the accused about any forceful intercourse.

It is also submitted that the victim willingly left the residence and accompanied the accused and there was no evidence that the victim was taken away by the accused against her will.

It is further submitted that there is no prayer for test of DNA for ascertaining the alleged offence involved in this case.

Ld. Advocate further submits that the victim has already been examined and there is nothing in her evidence against the accused and so that, considering the above facts, the accused should be enlarged on bail in any term and condition.

On the other hand, Ld. Special-PP raises vehement objection against the prayer for bail of the accused submitting inter alia that some days ago, the prayer for bail of the accused was considered and rejected by this court after going through the materials in the C.D.

It is advanced that at the time of the incident, the victim was 16 years of age and due to the forceful sexual act of the accused, the victim became pregnant which is a very serious situation for the victim.

At the time of his submission, Ld. Special-PP emphatically submits that just the victim is examined before the court and the remaining witnesses are required to be examined and if the accused gets bail, he will evade the court and trial will be delayed.

Ld. Special-PP also submits that there are huge incriminating materials in the C.D. and considering the nature and gravity of the allegation, there is no scope for enlarging the accused on bail.

It is evident from the case record that the victim was very minor at the time of the alleged incident.

It is also seen that the direct allegation has been brought against the accused that he forcefully assaulted the victim sexually and consequent to that, the victim became pregnant.

The allegation bears a social and moral implications in addition to the legal implication.

It is to be noted here that as per the submission of the prosecution, the accused may flee from justice and in that case, trial may get hampered.

The statement of the victim U/S 161 of the Cr.P.C. reflects the commission of the offence by the accused and it bears weight for the prosecution case.

Therefore, in view of the allegation against the accused, present facts and circumstances of the case, submission of the parties, purpose and intention of the POCSO Act, 2012, social and moral implications of the alleged offence, age of the victim and ultimately taking into account the broader interest of justice to the parties, this court does not find any convincing reason to entertain the instant prayer for bail of the accused.

Hence, in view of the above the prayer for bail of the accused Sudip Das stands rejected.

The instant petition, dated 18.01.2025 praying for bail of the accused is accordingly disposed of.

To 12-02-2025 for production and evidence of the de facto complainant.

Dictated and Corrected by me

A.S.J
Khatra, Bankura

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB00638