

Special Case No. 22 of 2025

CNR. No-WBBK09000044 2025

State Vs. Khagen Mahata

In connection with Sarenga P.S. Case No. 51 of 2025, dated : 23.11.2025 U/S 8/10 of the POCSO Act.

**Order No. 11
Dated 29.01.2026**

Today is fixed for hearing of bail petition, dated : 21-01-2026 on behalf of the accused namely Khagen Mahata.

Ld. Advocate for the accused moves the instant petition.

Ld. Special-PP is present before the court.

CD is produced before the court.

It is submitted on behalf of both the parties that no application for bail of the accused was rejected by the Hon'ble High Court, Calcutta nor any prayer for bail of the accused is pending before the Hon'ble court or any other higher forum.

It is submitted on behalf of the accused that the accused is in custody since 24-11-2025 and investigation of the case is over.

It is also submitted that there are contradictions between the statement of the victim and her mother regarding the manner of commission of offence by the accused against the victim.

Ld. Defence Counsel further submits that there is only the allegation of touching breast and there is no element of touching the private parts of the victim and so that the provision provided under section 06 of the POCSO Act is not applicable here.

Ld. Defence Counsel emphatically submits that there are the lesser punishments for the alleged offences under which charge sheet is submitted and the accused will not flee from justice and he will face the trial.

In view of the above, Ld. Advocate for the accused ultimately submits that 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 the allegation against the accused is direct and there are huge incriminating materials in the CD.

It is also submitted that the victim is very minor being the age only nine (09) years.

Ld. Special-PP further submits that the allegation is very heinous in nature and her statement as well as the statement of her mother before the Ld. Judicial Magistrate, Khatra are direct and very heinous in nature.

Ld. Special-PP ultimately submits that considering the gravity of the allegation, the prayer for bail of the accused should be rejected.

Contd.....P/2

//2//

Considering the facts and circumstances of the case, materials in the CD, submission of the respective parties, nature and gravity of the alleged offence, age of the victim, statements of the victim and her mother before the Ld. Judicial Magistrate, Khatra, fact that the victim is not yet examined and ultimately taking into account the spirit of the POCSO Act, I am not inclined to entertain the instant prayer of the accused.

Hence, the prayer for bail of the accused **Khagen Mahata** stands rejected.

The instant petition is accordingly disposed of.

CD be returned.

To date (18-02-2026) for physical production of the accused in custody and consideration of charge.

Dictated and Corrected by me

A.S.J
Khatra, Bankura

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