

Special Case 04/2022
CNR no-WBBK090000262022

State Vs. Tanmoy Bauri

In connection with Indpur P.S. Case No. 06 of 2022 dated 24.01.2022 u/s 363/365 of IPC & adding section 376 of IPC and section 4 & 6 of POCSO Act.

Order No. 31
Dated 11.10.2023

Today is the date fixed for further hearing of the bail petition dated 25.09.2023 filed on behalf of the accused person namely Tanmoy Bauri.

Ld. Advocate for the accused person is present.

Ld. Special Public Prosecutor of this case namely Sri Susanta Sinha Babu is present.

Ld. Advocate for the victim and de facto complainant is present by filing vokalatnama.

De facto complainant and victim are present in persons.

Ld. Advocate for the said accused person has submitted that no any bail petition is pending or rejected by any higher Court in respect of this accused person in this case and one affidavit is filed in that respect. Ld. Special Public Prosecutor of this case has conceded the said submissions of the Ld. Advocate for the accused person.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 25.01.2022. He has further submitted that, in this case victim has been examined. He has further submitted that there was friendship between the accused person and victim that is clear from the recorded statement U/s 164 Cr.P.C. of the victim and evidence of victim. He has further submitted that in this case alleged incident was happened on 23.01.2022 but FIR was lodged on 24.01.2022. He has further submitted that, recovery of the victim from the house of Bishu Bauri has not been supported by PW-4. He has further submitted that, at the time of alleged incident victim was 17 years 4 months old and accused person was 21 years old . He has further submitted that , the medical examination report of the victim does not support the allegations against this accused person. He prays for enlarging this accused person on bail on any conditions.

Ld. Special Public Prosecutor of this case has vehemently opposed the bail prayer of this accused person and submitted that the allegations against this accused person are very serious. He prays for rejecting the bail prayer of this accused person.

Ld. Advocate for the victim and de facto complainant has submitted that he does not have any objection, if this accused person be enlarged on bail. On asking de facto complainant and victim of this case have submitted that they do not have any objection if this accused person be enlarged on bail.

I have heard the submissions of the Ld. Advocate for the accused person, Ld. Special Public Prosecutor of this case, Ld. Advocate for the victim and de facto complainant and heard de facto complainant and victim of this case and perused the records including CD. From the records,

it is revealed that in this case accused person is in custody since 25.01.2022 and in this case four witnesses including victim have been examined. From the contents of the recorded statement U/s 164 Cr.P.C of the victim and evidence of PW-1(victim) it is clear that there were friendship relation between the accused person and victim. From the records, it is revealed that the medical examination report of the victim do not support the prosecution case in respect of commission of the forceful sexual relation of victim and the accused person. From the evidence of PW-4 , it is clear that PW-4 has not supported the prosecution case. From the records, it is revealed that on the date of alleged incidents victim was 17 years old and accused person was 21 years old. With above observations and considering the materials on records specially period of custody of the accused person, age of the victim and accused person on the alleged date of incident, non corroboration of medical evidence, circumstances established so far indicate towards friendly relation between the victim and the accused person, I am of the view that it will be justified to enlarge this accused person on bail on the following conditions:

1. This accused will not intimidate or influence the victim of this case and any of the witnesses of this case.
2. This accused person will attend each and every proceeding of this case.
3. This accused person namely Tanmoy Bauri will furnish bail bond of sum of Rs. 2000/- with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observation, bail petition dated 25.09.2023 filed on behalf of the accused person namely Tanmoy Bauri is disposed of .

Let CD be returned.

To date (05.12.2023) for production / appearance of accused person and prosecution evidence.

Let the copy of this order be sent to the Ld. A.C.J.M, Khatra for information.

D/C by me.

Judge, Special Court
Khatra, Dist.- Bankura

Judge, Special Court
Khatra, Dist.- Bankura
(Under POCSO Act)
J.O. Code WB01399