

Special Case No. 04/2022
CNR. no. WBBK090000262022

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 I.P.C. and Section 4 and 6 of POCSO Act and corresponding to GR no. 38/2022

Order No- 22
Dated – 24.02.2023

Today is the date fixed for further hearing of the bail petition dated 01.02.2023 filed on behalf of the accused person namely Tanmoy Bauri U/s 439 Cr.P.C.

Ld. Special Public Prosecutor In-charge namely Arun Kumar Mahato of this case is present.

Ld. Advocate for the said accused person is present.

Ld. Advocate for the victim/ de facto complainant is present along with victim and de facto complainant.

Ld. Advocate for the said accused person has submitted that this accused person is in custody since 25.01.2022 and material witnesses in this case including victim girl have been examined. He has further submitted that medical examination report of the victim does not support the prosecution case. He prays for enlarging this accused person on bail on any conditions.

Ld. Special Public Prosecutor In-charge of this case has submitted that in this case only three witnesses have been examined out of 26 charge-sheet witnesses, and the materials witnesses who have been examined so far supported the prosecution case substantially. He prays for rejecting the bail prayer of the accused person.

Ld. Advocate for victim and de facto complainant has vehemently opposed the bail prayer of this accused person and submitted that in case of enlarging of this accused person on bail there are chances of influencing the witnesses of this case.

I have heard the submissions of the Ld. Advocate for the said accused person, Special P.P. In-charge of this case, and heard the Ld. Advocate for the victim and the de facto complainant and perused the records including CD. From the records, it is revealed that this accused person is in custody since 25.01.2022 and in this case three witnesses have been examined that includes victim of this case. From the medical examination report of the victim it is revealed that no any injury was found in the private parts of the victim indicating forceful sexual intercourse but from the evidence of victim, recorded statement under Section 164 of Cr.P.C. and other two witnesses examined so far, it is clear that allegations against this accused person are very serious. Considering the materials on records specially the seriousness of allegations against this accused person, I am of the view that it will not be justified to enlarge

this accused person on bail at this stage, hence, the bail petition dated 01.02.2023 filed on behalf of accused person namely, Tanmoy Bauri is rejected, in corollary the accused person namely Tanmoy Bauri is remanded to J/C till next date fixed.

Let CD be returned.

To 17.04.2023 for evidence.

Dictated and Corrected by me,

Additional Sessions Judge,
Khatra, Bankura

Additional Sessions Judge,
Khatra, Bankura
J.O. Code WB01399