

Special Case no. 06/19

Order No. 27,
Date- 22.04.2020.

The instant case record has been put up on the prayer of defence as today is fixed for hearing of extremely urgent matters considering the prevalence situation of COVID- 19 throughout the world including our country.

Now, the record is taken up for hearing of the bail application dated 26.02.2020, praying for bail of the accused namely, Kartick Adhikary and Raju Adhikary.

Ld. Defence Counsel submits before this Court that both the accused persons have been in custody since long and they have been falsely implicated in the instant case, moreover the evidence of victim girl has already been over. He further submits that if the accused persons be granted bail then there would be no chance of their abscondence and they are the residents within the jurisdictions of this court and they are ready to face the trial. So, he prays for bail of the above named two accused persons on any terms and conditions.

Ld. Special P.P. raised objection but he agreed with the situation prevailing throughout the country. So, he rests the matter entirely upon the discretion upon the Court.

Considered.

Having heard the submissions of both sides and perusing the materials on the record, I am of the view that evidence of the victim girl has already been completed and considering further the prevalent situation of COVID- 19 throughout the country, I am inclined to release the accused persons on interim bail of Rs. 2000/- with one surety each for a period of three(3) months subject to the satisfaction of Ld. A.C.J.M, Khatra.

On following conditions:-

- (i) That the accused persons shall not leave the address during the period of interim bail. During this period they shall not intimidate the victim girl or her family members or shall not try to tamper with material evidence;
- (ii) That the accused persons shall surrender before the Court on expiry of the period of interim bail;
- (iii) That accused persons shall, on surrender, will have the liberty to move the appropriate application before the Court on expiry of the period of interim bail;
- (iv) That the accused persons shall be accessible to the Officer In-charge of the local police station at all times during this period of interim bail;

The Superintendent of the Correctional Home, Bankura is hereby directed to make necessary arrangement for medical examination in order to assure that the accused persons have not been suffering from any disease of COVID- 19 prior to their release.

The District Magistrate / the Superintendent of Police make necessary arrangement or provide necessary assistance for transmission of such accused persons on their release from

Special Case no. 06/19

Contd...

Correctional Home to their home. The District Magistrate / the Superintendent of Police are also to ensure policies and guidelines of the Government regarding complete lock-down shall not be violated during the process of transmission and the policy of social distancing is complied with in true spirit.

The above order is made keeping in mind the observations of our Hon'ble Apex Court vide order dt. 23.03.2020 in Suo Moto Writ Petition (C) no. 01/2020, in Re: contagion of COVID- 19 Virus in prisons.

If on bail, to 22.07.2020 for appearance before this Court.

Dictated & corrected
by me.

22.04.2020

Judge, Special Court,
(POCSO Court)
Khatra, Dist.- Bankura.
22.04.2020