

**Special Case 04 of 2021**  
**CNR. no. WBBK09000872021**  
**Ref. Sarenga P.S case no. 25/2021 dated- 23.05.2021**  
**U/S- 376/511 I.P.C &10 of POCSO Act.**

Order No-24  
Dated -20/09/2022

Today is the date fixed for E/R of W/A against CSW- 3,4 and production of the accused person and prosecution evidence.

Accused Nayan Garai is produced from Bankura District Correctional Home.

Ld. Advocate for the accused person is present.

Ld. Special Public Prosecutor in-charge of this case is present.

CSW-3 and 4 namely Santosh Giri and Ramkrishna Chalak are present.

One surrender petition is filed on behalf of the above said witnesses namely Santosh Giri and Ramkrishna Chalak.

Ld. Advocate for the witnesses has submitted that due to illness, the above said witnesses have not appeared to depose in this case on previous date i.e. on 05-08-2022 and due to that reason non bailable warrant of arrest was issued against them. He prays for permitting all the above named witnesses to surrender before this Court.

Ld. Special Public Prosecutor In-charge of this case has not objected this petition filed on behalf of the above said petitioners.

Considering that bailable warrant of arrest was issued against above said witnesses, I am of the view that it will be justified to allow the surrender petition of the above said petitioners.

Witnesses are taken into custody.

One bail petition is filed on behalf of the above said witnesses namely Santosh Giri and Ramkrishna Chalak.

Ld. Advocate for the witnesses Santosh Giri and Ramkrishna Chalak has submitted that these witnesses have not appeared on 05.08.2022 despite furnishing bond before the police, because they are sick. He prays for enlarging the witnesses Santosh Giri and Ramkrishna Chalak on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has left the matter upon this court and submitted that this witnesses may be enlarged on bail only on condition that on the next day they must appear before this court for evidence.

I have heard the submissions of the Ld. Advocate for the said witnesses in custody, and submission of the Ld. P.P. In-charge of this case and perused the records. From the records, it is revealed that against these witnesses bailable warrant was issued on 21.06.2022 but these witnesses have not appeared on 05.08.2022 despite furnishing bond in that respect before the police and due to that reason this court has issued non bailable warrant against the said witness on 05.08.2022. Considering the submission of the Ld. Advocate for the said witnesses it appears to me that non appearance of this witness on 05.08.2022 was not intentional as these witnesses are sick and in this circumstances, it will be justified to enlarge these witnesses namely Santosh Giri and Ramkrishna Chalak on bail on following conditions

- 1) Witness namely Ramkrishna Chalak will appear on 07/12/2022.
- 2) Witness namely Santosh Giri will appear on 08/12/2022.
- 3) These witnesses will furnish personal bond of sum of Rs. 2000/- each.

With the above observations, bail petition dated 20.08.2022 filed on behalf of the witness namely, Santosh Giri and Ramkrishna Chalak is disposed of.

Considering the seriousness allegations against the accused person namely Nayan Garai, he is remanded to J/C till next date fixed.

Fix 07/12/2022 for production of the accused person and prosecution evidence of CSW-3.

Fix 08/12/2022 for production of the accused person and prosecution evidence of CSW-4.

Dictated & corrected  
by me.

A.S.J

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

**Later**

Two personal bonds of Sum of Rs. 2000/- each are fled by witnesses Santosh Giri and Ramkrishna Chalak . Recall warrant of Santosh Giri and Ramkrishna Chalak.

Dictated & corrected  
by me.

A.S.J

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