

Special Case 10/2022
CNR no-WBBK090001022022

In connection with Khatra P.S. Case No. 17 of 2022 dated 01.05.2022
U/s 4 POCSO Act.

Order No. 36
Dated 14.07.2023

Today is the date fixed for production of the accused person, prosecution evidence and further hearing of the bail petition dated 08.06.2023 filed on behalf of the accused person namely Rakhahari Mukhuti.

Accused person is produced from Bankura District Correctional Home.

No witness is present.

Khatra Advocates' Bar Association informed to this court that members will not participate in judicial proceedings except Bail matters , filing of cases and affidavit in view of their resolution dated 03.07.2023.

Bail petition dated 08.06.2023 filed on behalf of accused person is taken up for further hearing.

Ld. Advocate for the accused person is present.

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

De facto complainant of this case is present.

Ld. Advocate for the said accused person has submitted that he has filed this bail petition under Campaign Release UTRC@75. Ld. Advocate for the accused person has submitted that this accused person is in custody since 01.05.2022, and in this case seven material witnesses have been examined including victim. He has further submitted that accused person is about 80 years old senior citizen, and he is suffering from several old age ailments. He has further submitted that, there is no necessity of custody trial of this case as material witnesses have been examined and there is no chance of tampering and hampering of evidences. He prays for enlarging this accused person on bail on any conditions.

Ld. Special Public Prosecutor of this case namely Susanta Sinha Babu has vehemently opposed the bail prayer of this accused person, and submitted that in this case seven witnesses have been examined and all the witnesses have supported prosecution case. He has further submitted that, the victim of this case has fully supported the prosecution case. He has further submitted that, the medical examination report of the victim corroborate the allegations against this accused person. He has further submitted that allegations against this accused person are very serious and age difference between the accused person and victim of this case was wide. He prays for rejecting the bail prayer of this accused person.

De facto complainant of this case oppose the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the accused person and the Ld. Special Public Prosecutor of this case, and perused the records including CD. From the records it is revealed that this accused person is in custody since 01.05.2022. From the records, it is revealed that at the time of incident the victim was 4 years 6 months old and accused person was about 78 years old. From the records it is revealed that seven witnesses in this case have been examined, and all those witnesses have substantially supported the prosecution case. From the medical examination report of the victim, it is revealed that it supports the prosecution case. From the medical examination report of the accused person submitted by Superintendent, Bankura District Correctional Home on 21.06.2023 being Submission no. 1977/AB, it is revealed that accused person was suffering from Rt. Inguinal Hernia but he was doing well and discharged from hospital on 16.06.2023. 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 08.06.2023 filed on behalf of accused person is rejected, in corollary the accused person is remanded to J/C till next date fixed.

Let CD be returned.

With the above observations, bail petition dated 08.06.2023 filed on behalf of the accused person namely Rakhahari Mukhuti is disposed of.

Fix 24.08.2023 for production of the accused person and examination of C.S.W 5, 28.08.2023 for production of the accused person and examination of C.S.W 9, 31.08.2023 for production of the accused person and examination of C.S.W 10, 08.09.2023 for production of the accused person and examination of C.S.W 11, 11.09.2023 for production of the accused person and examination of C.S.W 12, 13.09.2023 for production of the accused person and examination of C.S.W 13, 16.09.2023 for production of the accused person and examination of C.S.W 14, 19.09.2023 for production of the accused person and examination of C.S.W 15 and 21.09.2023 for production of the accused person and examination of C.S.W 17.

Let summons be issued accordingly.

Dictated and corrected
by me

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