

Special Case No.10/2022

CNR No.-WBBK090001022022

State Vs. Rakhohari Mukhuti

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

Order No.92
26.03.2025

Today is fixed for hearing of the petition dated 24.03.2025 praying for bail filed on behalf of the accused Rakhohari Mukhuti of this case.

Ld. Advocate for the accused moves the instant petition.

Ld. P.P.-in-charge is present before the Court.

It is submitted that neither any bail application U/s 439 of the Cr.P.C is filed before the Hon'ble High Court, Calcutta or before the Hon'ble Supreme Court.

It is also submitted on behalf of the accused that previously no prayer for bail of the accused Rakhohari Mukhuti, was rejected by the Hon'ble High Court or any other higher forum.

It is submitted by the Learned Advocate for the accused that there are high probabilities of falsity of levelling allegation against the accused. Learned Advocate submits that there are deviation in evidences of P.W.02, P.W.03 and P.W.07 adduced by them before the Court.

Learned Advocate advances that no Test Identification Parade took place on behalf of the prosecution to ascertain the involvement of the accused in this case.

It is also advanced that two statements do not lie together against the accused and so that there should have the contradiction in their statements.

Learned Advocate alleges that there is a chance of tutoring the victim on behalf of the de facto complainant and their family members and so that there are glaring contradictions in the evidences of the witnesses and the statements recorded under Section 161 of Cr.P.C by the I.O. and statements under Section 164 of the Cr.P.C before the learned Judicial Magistrate.

Learned Advocate for the accused strongly submits that the accused is an aged person i.e. he is a man of 82 years and at this age, it is highly improbable for him to commit this offence.

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On the other hand, learned Special P.P. submits inter alia that at the time of the incident, the victim was 5 years old and the victim specifically identified the accused. It is submitted that the medical records corroborate the prosecution case. Learned Special P.P. emphatically submits that there are so many incriminating materials in the C.D. which strongly prove the foundation of the fact of the case.

It is further advanced that the case record is at the fag end of its disposal and if the accused be enlarged on bail at this stage, the trial will be hampered and injustice will occur and considering the entire gravity of the case, the prayer for bail of the accused should be rejected.

On perusal of the record, it is seen that the allegation against the accused is direct and at the same time the offence is allegedly committed against the victim who was 5 years of age at the time of the incident.

The careful scrutiny of the record, shows that there are incriminating materials in the oral evidences of the witnesses examined on Dock on behalf of the prosecution and at the same time, there are incriminating materials in the medical records. The prosecution is fighting the case on tooth and nail and as many as seventeen(17) witnesses are examined on behalf of the prosecution.

There are some direct incriminating materials in the case record against the accused and the evidence of the minor victim is also very meaningful before this Court.

Therefore, considering the facts and circumstances of the case, materials in the C.D., submission of the respective parties, age of the victim, age of the accused, fact that the recording of evidence is over, nature of incriminating materials before the Court, spirit of the POCSO Act, 2012 and ultimately taking into account the interest of justice from a wider point of view, I am not inclined to entertain the instant prayer for bail of the accused.

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Therefore, in view of the entire facts of the case, the prayer for bail of the accused Rakhohari Mukhuti, stands rejected.

The instant petition dated 24.03.2025 praying for bail of the accused is accordingly disposed of.

Return the C.D.

To date.

Dictated & Corrected by

Sd/- D. K. Das
A.S.J
Khatra, Bankura

Sd/- D. K. Das
Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB00638