

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. 19

Dated 31.01.2023

Today is the date fixed for further hearing of the bail petition dated 17.01.2023 filed on behalf of the accused person namely Rakhahari Mukhuti.

One medical report is received from Superintendent Bankura District Correctional Home.

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 two 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 two witnesses have been examined and both 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 is 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 two witnesses in this case have been examined, and both the 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 30.01.2023 being memo no. 325/AB/Supdt./2023 it is revealed that accused person is suffering from Rt. Inguinal Hernia. 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 17.01.2023 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 17.01.2023 filed on behalf of the accused person namely Rakhahari Mukhuti is disposed of.

To date (14.02.2023) for production of accused person and prosecution evidence.

D/C by me.

Judge, Special Court
Khatra, Dist.- Bankura

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