

Special Case 12/2022
CNR no-WBBK090001052022

**In connection with Indpur P.S. Case No. 34 of 2022 dated 04.05.2022
u/s 363/365/376(2) (n) of IPC and section 6 of POCSO Act.**

Order No. 26
Dated 12.06.2023

Today is the date fixed for hearing of the bail petition dated 06.06.2023 filed on behalf of the accused person namely Sadhan Bauri.

Ld. Advocate for the accused person is present.

Ld. Special Public Prosecutor namely Sri Jayanta Patra of this case is present.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 05.05.2022 and in this case two witnesses have been examined. He has further submitted that, this accused person has been falsely implicated in this case. He prays for enlarging this accused person on bail on any conditions.

Ld. Special Public Prosecutor of this case has vehemently opposed the bail prayer of this accused person. He has further submitted that, at the time of incident the victim was minor and this accused person impregnated the victim and a male child was born. He has further submitted that, I.O. of this case has taken steps for DNA profiling of the accused person, victim and born child and report of the same is awaited. He has further submitted that the allegations against this accused person are very serious. He prays for rejecting 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. It is revealed from the records that the victim of this case was minor at the time of the alleged commission of the offence. From the records, it is revealed that in this case out of 26 charge-sheet witnesses only 2 witnesses have been examined including the victim and both the witnesses have supported the prosecution case. From the records, it is revealed that there are allegations against this accused person that he has impregnated the victim and in consequence of the same one male child was born. It is revealed from the records that I.O. of this case took steps for DNA profiling of the accused, victim and child of the victim but till today no such DNA report is received. Considering the materials on records, specially the evidence of victim and 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 06.06.2023 filed on behalf of accused person is rejected.

Let CD be returned.

To date (28.06.2023, 05.07.2023, 11.07.2023 and 15.07.2023) 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