

**Special Case 05/2023**  
**CNR no-WBBK090001252023**

**State Vs. Ananta Kumar Dey**

**In connection with Ranibandh P.S. Case No. 57 of 2023 dated 09.04.2023  
u/s 341/354B of IPC & section 12 of POCSO Act.**

**Order No. 12**  
**Dated 16.06.2023**

Today is the date fixed for hearing of the bail petition dated 06.06.2023 filed on behalf of the accused person namely Ananta Kumar Dey.

Ld. Advocate for the accused person is present.

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

Ld. Advocate for the victim and de facto complainant is present by filing vokalatnama.

De facto complainant and victim are present in persons.

Ld. Advocate for the said accused person has submitted that no any bail petition is pending or rejected by any higher Court in respect of this accused person in this case. Ld. Special Public Prosecutor of this case has conceded the said submissions of the Ld. Advocate for the accused person.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 09.04.2023. He has further submitted that in this case FIR was lodged U/s 341/354B of IPC and under section 12 of the POCSO Act. He has further submitted that in this case charge-sheet has been filed U/s 354 of IPC and section 10 of the POCSO Act. He has further submitted that in this case I.O. of this case has not complied the direction of the Hon'ble Supreme Court in the matter of Arnesh Kumar vs. State of Bihar and not served any notice U/s 41A of Cr.P.C to the accused person. 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 and submitted that the recorded statement U/s 164 Cr.P.C of the victim fully corroborate the contents of FIR and allegations against this accused person are very serious. He prays for rejecting the bail prayer of this accused person.

Ld. Advocate for the victim and de facto complainant has submitted that he does not have any objection if this accused person be enlarged on bail. On asking de facto complainant and victim of this case have submitted that they do not have any objection if this accused person be enlarged on bail.

I have heard the submissions of the Ld. Advocate for the accused person, Ld. Special Public Prosecutor of this case and Ld. Advocate for the victim and de facto complainant and perused the records including CD. From the records, it is revealed that in this case FIR was lodged U/s 341/354B of IPC and under section 12 of the POCSO Act. It is also revealed from the records that in this case charge-sheet has been filed under section 354 of IPC and under section 10

of the POCSO Act. From the records it is revealed that I.O. of this case has not served notice under section 41A of Cr.P.C to the accused person. Considering the materials on records specially filing of charge-sheet, nature of allegations against this accused person and not serving of the notice U/s 41A of Cr.P.C by the I.O. of this case to the accused person, I am of the view that it will be justified to enlarge this accused person on bail on the following conditions:

1. This accused will not intimidate or influence the victim of this case and any of the witnesses of this case.
2. This accused person will attend each and every proceeding of this case.
3. This accused person will furnish bail bond of sum of Rs. 2000/- with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observation, bail petition dated 06.06.2023 filed on behalf of the accused person is disposed of .

Let CD be returned.

To date (21.06.2023) for production of accused person and consideration of charge.

Let the copy of this order be sent to the Ld. A.C.J.M, Khatra for information.

D/C by me.

Judge, Special Court  
Khatra, Dist.- Bankura

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