

Special Case 08/2021
CNR no-WBBK090001502021

**In connection with Hirbandh P.S. Case No. 09 of 2021 dated 23.03.2021
u/s 363/365 & adding section 376(2) (f) of IPC & under section 6 POCSO Act.**

Order No. 26
Dated 29.09.2022

Today is the date fixed for hearing of the petition dated 27.09.2022 filed on behalf of the accused person namely Danu Bauri.

Ld. Advocate for the accused person is present.

Ld. Special Public Prosecutor of this case is present.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 04.09.2021. He has further submitted that, from the recorded statement U/s 164 Cr.P.C of the victim, it is clear that the relation between the accused person and the victim was out of their love affairs. He has further submitted that, the accused person and victim belong to the special class community in which there is system of child marriage, and both the accused person and victim have got married. He has further submitted that out of the wedlock of the victim and accused person, one female child is born. He has further submitted that in this case two witnesses have been examined including victim, and no material evidences revealed against this accused person. He has further submitted that age of the victim has not been proved by the prosecution. 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 allegations against this accused person is very serious and under POCSO Act, there is no relevancy of the consent of the minor upon which Ld. Advocate for the accused person is relying. He has further submitted that in this case only two witnesses have been examined out of 19 charge-sheet witnesses. 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. From the records, it is revealed that at the time of alleged incident the victim was 13 year 1 month and 20 days old. It is also revealed from the records, that there is allegations against this accused person that he has impregnated the victim. Considering the seriousness of allegation 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 27.09.2022 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.

Ld. Advocate for the accused person files a petition praying for preponing the next date of this case and prays for speedy trial of this case.

Ld. Special Public Prosecutor has not objected this petition of Ld. Advocate for the accused person.

Considering the speedy trial in the fundamental right of the accused person under article 21 of the Constitution , I am of the view that it will be justified to prepone the next date of this case from 28.11.2022 to 09.11.2022, 10.11.2022, 11.11.2022, 14.11.2022, 15.11,2022, 16.11.2022, 17.11.2022, 18.11.2022, 19.11.2022, 21.11.2022.

Let the next date of this case be fixed to 09.11.2022, 10.11.2022, 11.11.2022, 14.11.2022, 15.11,2022, 16.11.2022, 17.11.2022, 18.11.2022, 19.11.2022, 21.11.2022 for production of the accused person and prosecution witnesses.

Let summon be issued to the witnesses CSW-2 for 09.11.2022, CSW-3 for 10.11.2022, CSW-4 for 11.11.2022, CSW-5 for 14.11.2022, CSW-6 for 15.11.2022, CSW-7 for 16.11.2022, CSW-8 for 17.11.2022, CSW-9 for 18.11.2022, CSW-10 for 19.11.2022 and CSW-11 for 21.11.2022.

D/C by me.

Judge, Special Court
Khatra, Dist.- Bankura

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