

**Special Case No.13/2024**

CNR No.-WBBK090001802024

**State Vs. Rajib Layek @ Pachai & Another**

In connection with Taldangra P.S. Case No. 58 of 2024 dated 28.05.2024 U/ss 363/365/120B of I.P.C & 4/6 of POCSO Act.

**Order No.17**

**03.10.2024**

Today is fixed for production of the accused persons in custody, appearance of the accused on Court-Bail, hearing of the petition dated 30.09.2024 praying for bail of the accused Uma Layek and consideration of charge.

Ld. Advocate for the accused moves the instant petition praying for bail.

Ld. Special P.P. 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 Uma Layek was rejected by the Hon'ble High Court or by any other higher forum.

It is submitted by the Learned Advocate for the accused that this accused is the mother of the principal accused and she has suffered sufficient custody since the date of her arrest in this case.

It is submitted that the para 4 of the order no.7, dated 24.04.2024 passed by this Court reflex that the victim was present before the Court on that day and she submitted that she has no objection if the accused person is enlarged on bail.

Learned Advocate submits that charge-sheet has already been submitted and so that there is no chance of tampering evidence and hampering investigation. Learned Advocate further submits that the statement under Section 164 of Cr.P.C shows that the alleged incident arose out of love affairs between the V.G and the principal accused and the present petitioner who is the mother cannot be responsibly linked with the instant case and in view of that the father of the principal accused has been granted bail and so that there is no hindrance to enlarge this accused on bail.

On the other hand, Learned Special P.P. submits inter alia that the allegation against the principal accused is direct and they have committed offences in relation to other enactments also.

It is submitted that the age of the victim should be considered and taking into account the actual incident what is involved in this case and in view of the same the prayer for bail of the accused should be rejected.

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On perusal of the record, it is seen that the allegation is the commission of offence by the principal accused who is already on bail. It is evident that the father of the principal accused is also on bail. On the other hand, the victim declares that she has no objection if the instant accused be enlarged on bail. Furthermore, the investigation is over and charge-sheet has already been submitted which means the collection of evidence by the investigating officer is complete and there is no chance of tampering evidence and hampering investigation.

Moreover, it is uncertain when the trial will be completed and in view of that this Court finds that by detaining the accused in custody further, no purpose of the prosecution will be served.

Therefore, considering the existing facts and circumstances of this case, materials in the record, submission of the parties, period of detention and taking into account the opinion of the victim regarding the enlargement of the accused on bail, the accused Uma Layek is enlarged on bail of Rs.4,000/- with two sureties of Rs.2,000/- each subject to the satisfaction of Ld. A.C.J.M., Khatra.

The accused shall be under an obligation to attend the Court on each date to be fixed unless he is not prevented by convincingly sufficient cause in view of the Court.

The instant petition of the bail of the accused is accordingly disposed of.

Fix **04.02.2025** for appearance of the accused persons and framing of charge.

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

**Office of the Addl. Sessions Judge, Khatra, Bankura**

Memo No.

Date : 03.10.2024

*Copy forwarded to Ld. A.C.J.M., Khatra, for his information and taking necessary action.*

Additional Sessions Judge,  
Khatra, Dist.- Bankura