

Special Case 10 of 2024
CNR no-WBBK090001602024

State Vs. Gouranga Sahis

Order No.22

Dated: 04-03-2025

In connection with Hirbandh P.S. Case No. 36 of 2024, dated 27-05-2024
u/s 376(2)(I) of the IPC and Section 6 of the POCSO Act.

Today is fixed for further hearing of the petition, dated 25-02-2025 praying for bail of the accused namely **Gouranga Sahis** and appearance of the Officer recording the statement of the V.G.

Ld. Advocate for the accused moves the instant petition.

Ld. Special P.P. is present before the Court.

It is submitted on behalf of both the parties that no application for bail of the accused was rejected by the Hon'ble High Court, Calcutta or by any other higher forum.

It is also submitted that no bail application of this accused is pending before the Hon'ble court or any other higher forum.

It is submitted on behalf of the accused person that the accused is an aged person and he is in custody since the date of his arrest i.e. on and from 27-05-2024. It is submitted that there is no direct evidence against the accused and on the basis of the statements of the women villagers, the accused has been suffering custody, but there is no authenticity of the statements of the said villagers. It is stated that there is the mention of one Bibek er Dadu, but there is no such person in this name in the village and wherefrom the said name is got by the police is not clear before this Court. It is also submitted that there is a previous grudge of the defacto complainant against the accused and so that he has been falsely implicated in this case.

Ld. Advocate also submits that the injury report does not reflect any incriminating materials for invoking Section 376 (2)(1) of the IPC and there is also no materials for invoking section 6 of the POCSO of the Act.

Ld. Defence Counsel advances that the accused will not flee from justice and there is no chance of immediate conclusion of trial and considering the period of detention, the accused should enlarged on bail in any term and condition.

On perusal of the record, it is seen that there is direct allegation against the accused of this case. It is also seen that there are incriminating materials in their statements of the village women.

The victim is a physically challenged girl and her IQ level is approximately 21. The disability of the victim is very high and she does not say anything to any question and she only loughs in reply to any question put to her.

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(2)

The officer recording the statement of the victim Under Section 161 Cr. P.C. is present before the Court and she makes statement before the Court in support of the contention of the prosecution that there is reason to invoke Section 6 of the POCSO Act in this case.

Considering the existing facts and circumstances of the case, materials in the C.D., Statement of the witnesses recorded Under Section 161 and 164 of Cr. P.C., age of the victim, mental disability of the victim, level of IQ, percentage of disability, spirit of the POCSO Act, and at the same time taking into account the implication of the alleged offence, I am no inclined to entertain the instant petition of the accused.

Hence, the prayer for bail of the accused persons namely **Gouranga Sahis stands rejected.**

The instant petition, 25-02-2025 praying for bail of the accused is accordingly disposed of.

Fix 08-04-2025 for production of the accused and examination of prosecution witnesses.

Dictated and Corrected by me,

A.S.J
Khatra, Bankura

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB00638