

In the Court of Additional Sessions Judge,
And Judge, Special Court under POCSO Act,
Khatra, Dist.-Bankura.

Spl. Case- 15/17 Ref : Ranibandh P.S. Case No.30/17.
Date- 29.8.17.

Order No. 33,
Date- 16.5.18.

3 accused persons namely Kanchani @ Babli Tudu, Apurba Tudu and Sailendra Kumar are produced from J/C.

Hd. Ld. Advocate for the accused persons namely Kanchani Tudu and Sailendra Kumar when he submitted that these accused persons are not anyway connected with the alleged offence and the accused persons have been languishing in the jail custody more than 6 months. Ld. Advocate prayed for bail of the aforesaid two accused persons on any condition.

Ld. Advocate appearing on behalf of the accused Apurba Tudu submitted that this accused is not any way connected with the alleged offence. No missing diary was lodged immediately after the missing of the victim girl and the F.I.R was lodged long after one month . This fact indicates that the accused person was falsely implicated in this case. Ld. Advocate further submitted that if the bail is not granted then trial of the accused person may kindly be commenced immediately.

Ld. P.P. in-charge opposed the prayer for bail of all the three accused persons and submitted that there are strong materials in the C.D against all the three accused persons and further submitted that if the bail is granted then there is a chance of recurring of occurrence of this type of incident by the accused persons.

Perused both the petitions for bail, case record and the C.D.

Considering the gravity of the offence and considering the materials appearing in the C.D, against the accused persons, I am not inclined to enlarge the aforesaid accused persons on bail. Consequently the prayer for bail of accused Apurba Tudu, Kanchani @ Babli Tudu and Sailendra Kumar is considered and rejected.

Return the C.D.

contd.

Spl. Case- 15/17

Order No. 33,
Date- 16.5.18,contd.

It appears from the record that the Investigating Officer submitted charge-sheet against 5 accused persons U/s. 363/366/366A/372/376 I.P.C and U/s. 4 & 6 of POCSO Act showing the 2 accused persons absconder. Thereafter warrant of arrest were issued against the said 2 absconder accused persons namely Bablu Kumar and Ramjiban @ Ramnibas Kumar who are the resident of State of Uttar Pradesh and those warrant were sent to the Superintendent of Police, Faridabad and Etaha of the State of Uttar Pradesh for execution. In spite of the same the aforesaid two accused persons were not arrested . Thereafter W.P. & A were issued against the aforesaid two accused persons and those were forwarded to the I/C,Ranibandh P.S. on 24.4.18 for execution with fixing this day for E.R of W.P. & A. Fact remains no execution report has been filed by I/C, Ranibandh P.S in respect of aforesaid W.P. & A on this day for the reason best known by him. Since the three accused persons have been languishing in Jail custody since long, then it is the duty of this court to commence the trial as early as possible but without exhausting the process of W/A and W.P. & A of the absconding accused persons it is not possible to commence the trial of the aforesaid 3 accused persons by way of splitting the case of the aforesaid three accused persons from the remaining.

I/C, Ranibandh P.S. is hereby directed to submit E.R of W.P. & A issued against the aforesaid 2 accused persons namely Bablu Kumar and Ramjiban @ Ramnibas Kumar by **7.6.18** positively.

Superintendent of Police, Bankura will take all necessary steps for execution of the aforesaid W.P & A through the I/C, Ranibandh P.S. and Superintendent of Police, Bankura will submit a separate report before this court by **7.6.18** stating the steps taken by him in this regard. There should be a strict compliance of this order.

contd.

Spl. Case- 15/17

Order No. 33,
Date- 16.5.18,contd.

The aforesaid accused persons be remanded to J/C till **29.5.18.**

Necessary order regarding the trial will be passed on **7.6.18.**

Let a copy of this order be sent to the Superintendent of Police, Bankura for his information and taking necessary action as indicated above.

Another copy of this order be sent to I/C, Ranibandh P.S for his information and compliance.

D/C by me.
Sd/- Subhasis Ghosh,
A.S.J.

Sd/- Subhasis Ghosh,
Additional Sessions Judge,
And Judge, Special Court under POCSO Act,
Khatra, Dist.-Bankura.
16.5.18.