

**Special Case No. 15 of 2017**  
**CNR no. WBBK090002892017**

**In connection with Ranibandh P.S. Case no. 30/2017 dated 29.08.2017**  
**U/S 363/366/366A/372/376 of IPC and section 4/6 POCSO Act.**

**Order No. 124**  
**Dated 11.05.2023**

Today is the date fixed for hearing of the bail petition dated 04.05.2023 filed on behalf of the accused person namely Sailendra Kumar.

Ld. Advocate for the accused person is present.

Ld. Special P.P. of this case is present.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 05.09.2017. He has further submitted that in this case 10 witnesses have been examined out of 14 charge-sheet witnesses and one of the witness who is IO of this case has been examined in part. He has further submitted that this accused person has been falsely implicated in this case. He prays for enlarging this accused person on bail on any condition.

Ld. Special P.P. has vehemently opposed the bail prayer of this accused person and submitted that allegations against this accused person are very serious. 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 Ld. Special P.P. of this case and perused the records including C.D. From the records it is revealed that in this case there are 14 charge-sheet witnesses and out of that 10 witnesses have been examined and one of the witness PW-11 was examined in chief lastly on 16.06.2022, and on that day on the prayer of Ld. Advocate for the accused person cross-examination of said witness (PW-11) was deferred and after that the said witness was summoned on 21.07.2022, 18.08.2022, 28.10.2022, 09.12.2022, 09.01.2023, 23.02.2023 and 17.04.2023 but the said witness PW-11 has not appeared before this court, and lastly on 23.02.2023 this court has issued show cause to Superintendent of police Bankura regarding not submission of any report regarding service of summon to PW-11, but no any response has been received to this court till today from Superintendent of Police, Bankura. This is very unfortunate situation but such situation is very general for this court as in most of the cases service report or any other reports are not received in respect of the service summon to the witness.

From the records specially the evidences of PW-2, PW-6 and recorded statement U/s 164 Cr.P.C of the victim, it is clear that there are serious allegations against this accused person. Considering the seriousness of allegations 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 04.05.2023 filed on behalf of the accused person is rejected in corollary this accused person is remanded to J.C. till the next date fixed.

With the above observations , bail petition dated 04.05.2023 filed on behalf of the accused person namely Sailendra Kumar is disposed of.

Let C.D. be returned.

From the records, it is revealed that the next date of this case has been fixed as 05.06.2023 considering the period of custody of this accused person it will be justified to prepone the date of this case from 05.06.2023 to 19.05.2023.

Let summon be issued to the PW-11.

Fix 19.05.2023 for production of the accused person, prosecution evidence and hearing of two petitions dated 16.06.2022 filed by prosecution.

Let copy of this order be sent to the Superintendent, District Correctional Home, Bankura and also inform to the all parties regarding preponing the next date of this case.

Dictated and corrected  
by me

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