

**Special Case 10 of 2023**  
**CNR-WBBK090002932023**

In connection with Khatra P.S. Case no. 65/2023 dated 01.07.2023 U/s  
363/365, adding section 376 of IPC and section 4 of POCSO Act

**Order No. 15**  
**Dated 06.03.2024**

Today is the date fixed for hearing of the bail petition dated 01.03.2024 filed on behalf of the accused person namely Ganesh Singh.

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 has been in custody since 26.09.2023, and victim of this case has been examined. He has further submitted that contents of the cross-examination of the victim falsify the claim of the prosecution regarding place of occurrence, time of the occurrence, recovery of the victim. He has further submitted that, victim did not state about the incident of commission of sexual assault upon her by the accused person before the doctor at the time of her examination at Khatra Sub-divisional hospital. 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 conditions.

Ld. Special Public Prosecutor of this case has vehemently opposed the bail prayer of this accused person and submitted that victim was 13 years 4 months old at the time of alleged incident. He has further submitted that, victim has supported the prosecution case at the time of her examination before this court. He has further 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, Ld. Special PP of this case and perused the records including CD. From the records, it is revealed that this accused person has been in custody since 26.09.2023 and in this case victim has been examined. From the evidence of victim, it is revealed that she has substantially supported the

prosecution case. It is fact that there are some statements of the victim in cross-examination, that create doubt on some facts pressed by prosecution but that cannot be assessed at this stage to disbelieve prosecution case as in this case only one witness has been examined out of twenty charge-sheet witnesses. From the records, it is revealed that at the time of alleged incident victim was 13 years 4 months old. With above observations and considering the materials on records specially the age of the victim, contents of recorded statements U/s 164 Cr.P.C of victim, medical examination report of victim at Bankura Sammilani Medical College and Hospital, evidence of victim and 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 01.03.2024 filed on behalf of the accused person namely Ganesh Singh is rejected, in corollary this accused person is remanded to J/C till next date fixed.

Let CD be returned.

To date (03.04.2024) for production of the accused person, prosecution evidence and E/R of W/A issued against CSW 1.

D/C by me.

Judge, Special Court

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