

Special Case 12/2023
CNR no-WBBK090003232023

State Vs. Abdul Rafik @ Abdul Latib Khan

**In connection with Indpur P.S. Case No. 47 of 2023 dated 12.06.2023
u/s 363/365 of IPC & adding section 6 of POCSO Act.**

Order No. 14
Dated 12.02.2024

Today is the date fixed for hearing of the bail petition dated 08.02.2024 filed on behalf of the accused person namely Abdul Rafik @ Abul Latib Khan.

Ld. Advocate for the accused person is present.

Ld. Special Public Prosecutor of this case namely Sri Susanta Sinha Babu is present.

Ld. Advocate for the victim and de facto complainant is present by filing vokalatnama.

De facto complainant and victim are present in persons.

Ld. Advocate for the said accused person has submitted that no any bail petition is pending or rejected by any higher Court in respect of this accused person in this case and affidavit is filed in that respect. Ld. Special Public Prosecutor of this case has conceded the said submissions of the Ld. Advocate for the accused person.

Ld. Advocate for the accused person has submitted that this accused person is in custody since 26.09.2023. He has further submitted that, in this case victim and mother of the victim have been examined and they have not supported the prosecution case. He has further submitted that, the accused person is the husband of the elder sister of the victim and because of some misconception this case was initiated. 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 the allegations against this accused person are very serious. He prays for rejecting the bail prayer of this accused person.

Ld. Advocate for the victim and de facto complainant has submitted that he does not have any objection, if this accused person be enlarged on bail. On asking de facto complainant and victim of this case have submitted that they do not have any objection if this accused person be enlarged on bail.

I have heard the submissions of the Ld. Advocate for the accused person, Ld. Special Public Prosecutor of this case, Ld. Advocate for the victim and de facto complainant and heard de facto complainant and victim of this case, and perused the records including CD. From the records, it is revealed that in this case accused person is in custody since 26.09.2023 and in this case the material witnesses of this case victim and the mother of the victim have been examined, and they have not supported the prosecution case. From the recorded statement U/s 164 Cr.P.C of the victim and medical examination report of the victim, it is revealed that no any injury

was found indicating sexual assault upon the victim. It is fact that victim of this case is 13 years old but allegations against this accused person has not been supported by the victim , mother of the victim and medical examination report of the victim upon which prosecution is heavily relying upon . With above observations and considering the materials on records specially the evidence of victim, medical examination report of the victim and evidence of mother of the victim, I am of the view that it will be justified to enlarge this accused person on bail on the following conditions:

1. This accused will not intimidate or influence the victim of this case and any of the witnesses of this case.
2. This accused person will attend each and every proceeding of this case.
3. This accused person will furnish bail bond of sum of Rs. 2000/- with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observation, bail petition dated 08.02.2024 filed on behalf of the accused person is disposed of .

Let CD be returned.

To date (22.03.2024) for production / appearance of accused person and prosecution evidence.

Let the copy of this order be sent to the Ld. A.C.J.M, Khatra for information.

D/C by me.

Judge, Special Court
Khatra, Dist.- Bankura

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