

Special Case 14/2023
CNR no-WBBK090003392023

State Vs. Sumanta Saren

In connection with Khatra P.S. Case No. 89 of 2023 dated 26.08.2023
U/s 363/365/376 of IPC & section 4 of POCSO Act.

Order No. 12
Dated 20.02.2024

Today is the date fixed for further hearing of the bail petition dated 07.02.2024 filed on behalf of the accused person namely Sumanta Saren.

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 one 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 11.10.2023 and in this case victim has been examined and she has not supported the prosecution case. He has further submitted that, in this case statement of the victim upon which prosecution is relying has been recorded after recording statement of the victim U/s 164 Cr.P.C. He has further submitted that, there is absence of the medical examination report of the victim supporting prosecution 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 not objected the bail prayer of this accused person and on asking de facto complainant and victim have stated that they do not have objection if the 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 victim has been examined, and she has not supported the prosecution case in respect of the commission of the offence under section 4 of the POCSO Act and under section 376 of IPC. From the records, it is revealed that victim of this case has refused to undergo medical examination. With the above observations and considering the material on records specially evidence of victim and absence of medical examination report of victim supporting

prosecution case , 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 will not enter into the village of the victim till further order.
3. This accused person will attend each and every proceeding of this case.
4. This accused person namely Sumanta Saren 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 07.02.2024 filed on behalf of the accused person namely Sumanta Saren is disposed of .

Let CD be returned.

Fix 03.05.2024 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