

POCSO Case No.16/2020.

Order No.06, dt. 17.10.2020 :-

Ld P.P is present. Sole accused is produced from J/C through audio video linkage. Victim is examined as P.W.1 in part. She proves her signatures on her statements recorded u/s-164 of Cr.P.C marked as ext-1 series. At this stage Ld. P.P files a petition praying for declaring the witness as hostile on the ground stated therein. Perused the petition. Considered. Considering the ground prayer is allowed. P.W.1 is cross-examined by Ld P.P. She is cross-examined by Ld. Defence counsel in full and discharged.

At this stage accused files a petition praying for bail on the ground stated therein. Copy served. The petition is taken up for hearing. Heard both sides. Considered. Perused the petition. Considered. It is stated that there is no incriminating materials against the accused as appears from the evidence of victim. It is also stated that accused has fixed place of residence and if he is enlarged on bail, he will not flee away. On this ground, accused prayed for bail.

Ld. P.P raised objection.

On perusal of record, I find that it has been alleged that he committed penetrative sexual assault upon minor victim for which she became pregnant. But today victim turned hostile to prosecution case and stated that accused never misbehaved with her and she is not aware as to why this case has been filed by her mother.

Considering the evidence of victim on record and also considering the detention period of accused in J/C, I am inclined to enlarge the accused on interim bail.

Accordingly, accused person namely, Swapan Roy may find interim bail of Rs. 5,000/- with two registered sureties of Rs. 2500/- each i.d. to J/C till 21.10.20. Let a copy of this order be sent to Ld. CJM, Cooch Behar for his information and necessary action.

If on bail then 01.04.21 for evidence of CSW. 1 and 3.

Issue summons.

Dictated & Corrected by me,

Sd/-M.Bose
Judge Electricity Court,
Cooch-Behar.

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Judge Electricity Court,
Cooch-Behar.

