

POCSO Case No. 25 of 2024

Present :- Sri Deepto Ghosh, Judge POCSO Court -Cum-
Addl. Dist. & Sess. Judge, 2nd Court, Cooch Behar.

Order No. 04, dated 03.07.2024 :-

Today is fixed for production, hearing of bail petition in respect of accused Naresh Mahato and IO's report.

Accused Naresh Mahato is produced before this Court .

Ld. Spl. P.P. in charge and Ld. lawyers for the accused persons are present.

Now the bail petition filed on behalf of accused Naresh Mahato taken up for hearing in presence of both sides.

Perused the petition and other materials on case record.

Heard Ld. Advocate for the accused.

Also heard Ld. Spl PP in charge who raises formal objection against the instant petition and by producing CD left the matter at the discretion of the Court.

Ld. Advocate on behalf of the accused Naresh Mahato, on the other hand, submits that the accused is behind the bars since 30.05.2024 then he is in custody and the defacto complainant is making mountain out of a mole's hill. Accordingly, Ld. Advocate prays for bail of accused on any condition and also submitted the accused has not moved for bail before any higher forum.

It appears from the case record that notice of bail application has been served upon the defacto complainant/victim girl and defacto complainant turned up before the court and objected to the prayer for bail.

Perused the materials in CD wherefrom it is found that the investigation has progressed considerably. Considering the materials in CD and also considering the period of detention of the above accused I do not think any purpose will serve in prolonging detention of the accused behind the bars any further. Hence, I am inclined to enlarge this accused Naresh Mahato on bail, accordingly, he may find bail of Rs. 4,000/- with two registered surety of Rs. 2,000/- each to the satisfaction of Ld. Chief Judicial Magistrate, Cooch Behar with condition not to leave the jurisdiction of this Court without informing the I.O. and the accused shall not directly or indirectly try to get in touch with the victims or any other prosecution witnesses or will not make any inducement, threat or promise to any persons acquainted with the facts and circumstance of the case so as to dissuade her or witnesses from disclosing such facts to the IO and shall meet the IO once a week till investigation is over, id to J/C till date.

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In terms of the direction of the Hon'ble Apex Court in its true spirit in SMWP (CRIMINAL) No.4 of 2021 dated 31.01.2023 communicated vide Memo No. 1865(53)/HCGF Dated 03.05.2023, vide email on 04.05.2023, let a soft copy of this Order be sent to the Superintendent, District Correctional Home, Cooch Behar in its official email i.d. supdtcswb.cbhr-wb@gov.in and Secretary DLSA, Cooch Behar in coochbeharsadardlsa@gmail.com for abundant precaution.

Fix 29.07.2024 for appearance and IO's report.

Let a copy of this order sheet be sent to the Ld. C.J.M., Cooch Behar for information and taking necessary action.

CD be returned.

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar,

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