

POCSO Case No. 35 of 2023

**Present :- Sri Mukul Kumar Kundu,
Additional District & Sessions Judge,
3rd Court, Sadar, Cooch Behar,
In-Charge of Judge Spl.(EC Act)-Cum-
Addl. Dist. & Sess. Judge, 2nd Court, Cooch Behar.**

Order No.06, dt. 29.01.2024 :-

Today is fixed for production and I.O's report.

Accused Mani Ram Choudhury is produced from J/C and remanded to further J/C till 10.02.2024.

Ld Special P.P in charge and Ld Defence Counsel are present.

A bail petition is filed on behalf of accused Mani Ram Choudhury praying for bail on the ground stated therein.

Now the bail petition is taken up for hearing in presence of both sides.

Heard both sides.

Ld counsel submits that accused is a Central Government Employee and is in custody since 26.12.2023. She further submits that this is a case u/s-10/12 of POCSO Act against accused person who has been falsely implicated in this case so he may be granted bail at any terms and conditions.

It is submitted by Ld Advocate for the accused Mani Ram Choudhury by filing an affidavit that no such bail petition u/s-439 Cr.P.C is pending or rejected before/by The Hon'ble Court.

Ld.P.P in charge submits necessary order may kindly be passed considering the case diary and statement of victim girl u/s-164 Cr.P.C.

Perused the case diary and other materials on record as well as submission.

Having heard the submission and on perusal of the case diary as well as statement of the victim girl recorded u/s-164 Cr.P.C I find that instant case u/s-10/12 of POCSO Act was registered against the above accused person being the BSF School Bus Driver on the basis of a complaint of BSF Commandant for commission of sexual offence upon 14 years victim girl vide Pundibari P.S Case no. 879/2023 dated 15.12.2023 and this accused is in custody since 26.12.2023. It also appears that medical examination of the victim girl was not done as refused at the instance of victim girl along with her mother and there is no prayer by the I.O for further custody of the above accused for the purpose of investigation. Therefore considering the statement of victim girl recorded u/s-164 Cr.P.C as well as refusal of medical examination of victim girl I think that further detention of the above accused is not required for the purpose of investigation and he may be granted bail with certain terms and conditions.

Considering all aspects and detention of the accused since 26.12.2023, I am inclined to enlarge the accused on bail. Hence, prayer for bail in respect of accused Mani Ram Choudhury stands allowed.

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Contd. Order No.06, dt. 29.01.2024 :-

Accordingly, accused Mani Ram Choudhury shall be released on interim bail on furnishing bond of Rs.10,000/- with two registered sureties of Rs.5000/- each on condition to meet with the I.O once in a week for next three months or till submission of charge sheet whichever is earlier and also on condition not to enter the area/jurisdiction of the police station where victim girl resides and on condition not to interfere with the life and liberty of the victim and also on condition not to threat or induce the victim or her family during investigation until further order subject to satisfaction of Ld Chief Judicial Magistrate, Cooch Behar, i.d to J/C till 10.02.2024. Violation of the conditions in this regard would automatically abrogate the liberty so given, if and when approached by the victim girl or/and State.

If bail bond as ordered furnished on behalf of above accused Mani Ram Choudhury, Ld Chief Judicial Magistrate, Cooch Behar shall release him from this case.

Let the C.D be returned.

To 10.02.2024 for I.O's report.

Let a copy of this order be sent to the Ld Chief Judicial Magistrate, Cooch Behar and I.O of this case through O.C Pundibari P.S Cooch Behar for information and necessary action.

Dictated & Corrected,

Sd/-
Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar, I/C

Sd/-
Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar, I/C
JO Code No. WB 00654