

Ord.No.15
01.11.2019

The sole accused persons viz; accused Raju Mothey is produced from J/c.

The Ld.Defence Counsel is present.

The Ld. Spl.P.P.in-charge is also present.

No witness is present.

The Ld.Defence counsel has submitted that inspite of order on record fixing date of evidence on this date, no summons was issued upon the witnesses. The accused person is languishing in jail for about 140 days. As such, the accused person prays for bail. He is the sole earning member of his family. His presence is necessary for his wife who is pregnant.

The Ld. Spl.p.p.has raised objection submitint that this is a case U/s 4 of the POCSO Act. The victim girl has given strong incriminating statement against the accused person in her recorded statement U/s 164 Cr.P.C. There are sufficient materials against the accused person in the C.D. The Ld. P.P.leaves it to the discretion of the Court to pass the necessary order.

Considering the facts and circumstances it appears that this is a case U/s 4 of the POCSO Act,2012. There is strong prima facie case against the accused person in the materials in the C.D. The victim girl has not only described how she was subjected to rape by the accused person but has also prayed for his maximum punishment as she gave her statement before the Ld.Magistrate U/S 164 Cr.P.C. Trial is likely to be hampered if the accused person is enlarged on bail at this stage. The safety and security of the victim girl, the probabiliity of the influencing of the witnesses and the probability of the impairment of free and fair trial demand that the accused person can not be released on bail at present.

Fix 21.11.2019 for evidence.

Issue summons upon the defacto complainant and the victim girl at once without fail for evidence.

To date for production.

Dictd.& corrcd.by me,
Spl.Judge,Dlg.

(Rupanjana Chakrabarti)
Special Judge,
Under POCSO Act,2012
Darjeeling