

Special case NO.81 of 2016

Ord.No.11

23.11.2017

Accused Bikash Tamang is produced from J/C, who files one bail application and prays for bail on the ground mentioned in the said application.

Today is fixed for evidence.

Ld. P.P.is present but no witness is turned up today. Ld. P.P.prays for adjournment.

Heard, considered, and case is adjourned.

Fix 03.03.2018 for evidence of C.S.W.No.2 and 3.

B.C.II comply the order.

Later :

Bail application is taken up for hearing.

Heard Ld.Advocate for the accused who stated that the accused is in custody since 22.09.2016. Not only that in the present case, the victim girl has already been examined and other valuable witnesses have already been examined by the prosecution. Ld. Advocate accordingly, prays for bail for his client saying that at present since the valuable witnesses have been examined and there is no risk of gaining over the vital witnesses if, the accused be granted bail and when the accused is in custody for over 427 days, the accused should be granted bail on any condition as deem fit and proper by this Ld. Court.

Ld. P.P.admits the contention of the Ld. Advocate for the accused.

Perused the record, I find that the victim girl and one vital witness have already been examined. It is no doubt that the accused is in custody over one year. Charge has been framed in the month of February, 2017. Prosecution has got ample scope to examine all the necessary witnesses by the date fixed. Since, the prosecution inspite of getting ample scope to close the evidence of the Prosecution witnesses and while the accused is in custody for over one year and above all when the victim girl has already been examined, at this stage bail may be granted to the accused on certain condition.

Considering the above all discussion and facts and circumstances of the case, I am inclined to grant bail to the accused. Therefore, the prayer for bail is allowed.

In the event of release, the accused must furnish a bail bond of Rs.20,000/- with two sureties of Rs.10,000/-each of whom one must be local, who must have sufficient Bank deposit and landed properties with the satisfaction of the Ld. Chief Judicial Magistrate,Darjeeling.

Let a copy of the order be sent to Ld.Chief Judicial Magistrate, Darjeeling for information and taking necessary action :-

Dictd.& corrctd.by me,

Special Judge,under POCSO Act.

Djl.

Sd/-

(A.Mukherjee)

Special Judge,under POCSO Act.

Darjeeling.

Memo No...../dated,.....

Copy forwarded for information and taking necessary action to :-

1. The Ld.Chief Judicial Magistrate,Darjeeling.

(A.Mukherjee)

Special Judge,under POCSO Act.

Darjeeling.