

Special (C) 16 of 2024 (Reg. No. 16/2024)
State Vs Subash Khaling
(Lodhoma P.S Case No. 08/2024 dated 19.07.2024 under Section 4 of POCSO Act)

Order No. 10 dt. 10.09.2024

Today is fixed for production of accused, CD and hearing bail application.

Accused Subash Khaling is produced before this Court.

I.O's report in final form is not received.

Ld. Spl. P.P and Ld. Lawyer for accused are present.

Defacto complainant appeared by filing V.nama.

Ld. Lawyer for accused submitted that accused is relative of victim girl, due to previous **grudge** and enmity this complaint has been lodged against accused, he is in custody since 20.07.2024, accused has falsely been implicated in this case, there is no chance of absconding or tampering with evidences and prays for bail.

Ld. Special Public Prosecutor opposes prayer for bail, drew attention over statement of victim girl recorded u/s 183 BNS.

Ld. Lawyer appearing for defacto complainant by filing affidavit swear by defacto complainant submitted that dispute has been settled amicably outside Court and raised no objection regarding bail of accused.

Perused case diary, case record, affidavit filed by defacto complainant.

It appears that there is allegation against accused for committing penetrative sexual assault on VG, aged about 16 years. Statement recorded u/s 183 of BNS of victim girl in support of prosecution case. Medical report also shows rapture on hymen.

Let copy of affidavit be sent to I.O of this case for verification.

I.O is directed to enquire regarding cause of swearing affidavit by complainant and submit report before this Court on or before 23.09.2024.

Fix **24.09.2024** for production of accused, report of I.O and further hearing.

Return CD.

Copy of this order along with affidavit be sent to I.O of this case for compliance.

Sd/-

Special Judge,
Under POCSO Act, 2012
Darjeeling.