

Ord.No.
08.07.2019

The sole accused person viz; Raju Mothay is produced from judicial custody.

Today a bail application has been filed on behalf of the said accused person.

Heard both sides in respect of the said bail petition.

It has been contended by the Defence that the accused person has suffered detention for about 28 days in this case. The case has started with a belated FIR of two days without explanation of the delay of the said two days. Allegedly the victim girl was missing from the 7th instance and she was noticed at Kurseong market on the 9th instance by her mother. There is no explanation as to why her mother did not file even a missing diary on the 9th instance, when she went missing.

The wife of the accused person is pregnant and she needs the presence and care of the accused person for the delivery of her child.

Necessary order may be passed considering the recorded statement of the victim girl U/s 164 Cr.PC.

The Ld.Spl.P.P.has raised strong objection contending that this is an early stage of investigation of the case U/S 376 (3) IPC, R/W Section 4 and 6 of the POCSO Act, 2012.

Investigation is still pending.

The medical evidence goes against the accused person.

The victim girl has given statement against the accused person in her recorded statement U/s 164 Cr.P.C.

There are strong materials to indicate that the said minor girl was raped by the accused person.

Considering the facts and circumstances, and the submission of the Ld. Advocate for both two sides and materials on record and the 164 statement of the victim girl, lying in the case record, it appears that there is strong prima facie case against the accused person.

The victim girl is aged about 15 yrs.and she has made allegation of rape more than once upon her by the accused person.

In view of the gravity of the alleged offence, the said investigation and the materials on record and in the case record, this court is not inclined to grant bail prayer of the accused person.

In view of the above, the bail prayer of the accused is considered and rejected on contest.

To **22.07.2019** for production and I.O.'s report.

Dictd.& corrcd.by me,

Spl.Judge,Dlg.

(Rupanjana Charkabarti)

Special Judge,
Under POCSO Act,2012
Darjeeling.