

**Spl (C) 13 / 2022**  
**CNR No : WBDJ010008202022**  
**REG No. 13 / 2022**  
**State Vs Jasuha @ Jashu Thapa**

Order No.10

Dt : 29-09-2022 Accused Jashu Thapa is produced from correctional home he is taken into custody and remanded to J/C till 04-11-2022.

Today is fixed for hearing of the bail application.

Ld. Counsel for the accused and Ld. Spl PP are present.

The bail petition is taken up for hearing.

Ld Counsel for the accused person submits that the accused person is in custody since 20-08-2022. Investigation proceeded fairly. The accused person is aged about 22 years. The victim girl voluntarily left her home and after some day at her friend house, met with the accused and a love affair cropped up between them. The medical report of the victim girl does not support the commission of aggravated penetrative sexual assault. He prays for bail at any terms and condition.

Ld. Spl PP raises no objection regarding the prayer for bail.

Perused the petition under consideration, CD and the record.

Considered

The first information was lodged regarding the missing of the victim girl on 08-08-2022 though the minor girl was missing since 02-02-2022. The medical report appears to be not support the fact of commission of aggravated sexual assault. Though the case was registered on 08-08-2022 but still 26-09-2022 the IO remain silent regarding collection of Age Proof of the victim to substantiate the fact that the victim girl was really minor. Though on 26-09-2022 the IO made a prayer for Ossification Test of the victim girl but till today no report has been tagged in the CD.

In view of the above, also considering the period of detention already undergone and keeping in view of the upcoming Puja Holidays this court inclineds to allow the prayer for bail.

The accused Jashu Thapa may fine bail of Rs.2,000/- with two registered sureties out of which one must be an advocate surety on condition to meet the IO once in a week till submission of Chargesheet or until further order whichever is earlier, subject to the satisfaction of LD. CJM – Darjeeling. I / D to J/C

To 04-11-2022 for appearance, if on bail and IO's report

Dictd by me

Sd/-

Judge, Spl Court

Under POCSO Act at Darjeeling

SD/-

Raja Ray

Under POCSO Act at Darjeeling