

Order No. 6
Dated 06.02.2023

Accused Suren Chettri is produced from Jail custody.

Today is the date fixed for hearing bail application of the accused Suren Chettri.

Prosecution files hazira.

Heard the bail application filed by the accused Suren Chettri praying for releasing him on bail in this case in presence of Ld. advocate for the accused person and the Ld. Special P.P.

Seen the bail application, perused the case record and considered.

It is submitted by the Ld. advocate for the accused person Suren Chettri that he was arrested on 15.12.2022 and since then he is in jail custody. Considering the period of detention of the accused Suren Chettri, he may be released on bail.

Ld. Special P.P. opposes the prayer for bail of the accused person.

Having heard the submissions of Ld. advocate for the accused person and the Ld. Special P.P., perused the C.D., case record and other materials on record wherefrom I find that on 14.12.2022 the complainant Sarda Giri lodged an FIR before the O/C Women P.S. alleging inter alia that on 29.11.2022 his daughter who was a minor aged about 15 years had stayed at her friend Anusha Chettri's house and at night while sleeping she was sexually assaulted by the father of her friend namely Suren Chettri by touching her breast and anus from outside her clothes several times.

I carefully perused the C.D. and other materials on record wherefrom I find from the statement of the V.G. recorded u/s 164 Cr.P.C. that the V.G. has stated that during the night a hand tried to touch her back. She became alert then again same hand tried to touch her breast. She was very scared and she pushed the hand out immediately and tried to wake her friend up but she did not wake up. She was very scared and upon peeping on the floor she saw someone was sleeping below her bed. She called her friend again however she did not hear her voice. Again, that hand tried to touch her. When she tried to check who was sleeping on the floor and that man slowly went and slept with her friend. At that time she realized that it was her friend Anusha's father.

It is found from the case record that this accused was brought under arrest on 15.12.2022 and he is detained in Jail custody for a period of 52 days. Considering the period of detention of the accused person, I am inclined to release the accused person on bail.

Accordingly, the prayer for bail of the accused Suren Chettri is considered and allowed.

Accused Suren Chettri may find a bail of Rs. 3,000/- with two registered sureties of Rs. 1,500/- each of like amount with a condition that he shall not cause threat to the V.G. including her parents as well as other witnesses until the completion of trial of this case and subject to the satisfaction of the Ld. C.J.M. Kalimpong.

C.D. produced today before this court be returned to the Ld. Special P.P. at once.

Let a copy of this order be sent to the Ld. C.J.M., Kalimpong for his information and necessary action.

Fix 20.02.2023 for appearance of the accused and I.O's report.

D&C by me

Sd/-

Judge, Special Court (POCSO)
Kalimpong

Sd/-

Judge, Special Court (POCSO)
Kalimpong

