

SC 18/January/2018

Order No. 12, dated 09.07.2018

Today is fixed for hearing of the bail petition dated 05.07.2018 filed on behalf of accused Subhamoy Chanda.

Ld. Spl. P.P Goutam Samanta files hazira.

Ld. Spl. P.P and Ld. Advocate on behalf of the accused person are present.

As per submission of both sides said bail petition is taken up for hearing.

Ld. Advocate for the accused submits that the accused voluntarily surrendered on 18.05.2018 and since then he is detaining in J/C. Ld. Advocate also submits that the accused is innocent and he has been falsely implicated in this case and he is a student of B.A (Geberal) of Khejuri College and he is going to appear in the B.A Part-I examination, which will be held on 18th July, 2018. Ld. Advocate further submits that previously father of the accused filed a case against the family members of the alleged victim girl and thereafter the de facto complainant of this case has filed this case. Ld. Advocate prays for bail of the accused in any condition.

Ld. Spl. P.P raises objection submitting that offence is serious in nature and there is sufficient materials against this accused.

Heard. Perused the case record and C.D including statement of V.G under Section 164 of the Cr. P.C and medico-legal report of the V.G. Considered.

It appears that offence is serious in nature, under Section 376 of I.P.C and under Section 4 of POCSO Act, 2012. Prima facie there is sufficient materials against the accused. Considering all, prayer for bail is rejected at this stage.

To date (12.07.2018) for production and I.O's report.

C.D is returned.

Superintendent, Contai S.C Home is directed to take necessary steps, if

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accused Subhamoy Chanda pray before him, for his study within Correctional Home to appear in his B.A Part-I examination.

Let a copy of this order be sent to Superintendent, Contai S.C Home for information and taking necessary steps.

B.C to comply.

D/C by me.

Sd/-

A.S.J.

Sd/- B. Banik

Addl. Sessions Judge, 1st Court-cum-
Judge, Special Court, Contai.