

S.T. (P.O.C.S.O.) 08 (09) / 2024
Special (P.O.C.S.O.) 15 / 2024
(C.N.R. - WBHG05-000640-2024)

Present: Smt. Ratna Roy
(J.O. Code : WB00914)

Order No. 06
21.12.2024

Today is fixed for hearing of the bail application of the accused Md. Aman @ Sk. Aman.

The defacto complainant is present along with her Ld. Advocate.

Ld. Special P.P.-in-charge and Ld. Defence Counsel are present.

Ld. Defence Counsel submitted that the accused is in custody since 09.09.2024. The victim girl and her mother has already been examined. Considering the evidence of the witnesses and the period of detention of the accused, he be granted bail under any condition.

Ld. Special P.P.-in-charge vehemently opposed the bail petition stating that the victim girl and her mother had stated about the incident during their statement under section 164 of Cr.P.C. The charge against the accused is under sections 363/365/376(2)(n) of I.P.C. and sections 4/6 of P.O.C.S.O. Act.

Considered submissions of both sides. Perused the materials in record and C.D.

Statement under section 164 of Cr.P.C. is not substantive piece of evidence. It can be used only to corroborate and contradict the evidence given in court. The vital witnesses of the case that is the victim and the defacto has been examined. On going through their evidence I find that they both have denied knowing the accused. Both had also stated that the victim girl had gone away to her pisi's house out of anger. Considering the evidence of victim girl and the defacto and the period of detention of the accused, I am of the opinion that the accused should be granted bail.

Accordingly, accused Md. Aman @ Sk. Aman may find bail of Rs. 5000/- with two sureties of Rs.2500/- each, subject to satisfaction of Ld. A.C.J.M., Serampore, on condition that he shall remain present on all the subsequent dates fixed and shall not go anywhere near the house of the victim girl.

If on bail, to 24.02.2025 for appearance.

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

Let a soft copy of this order be sent to the Superintendent of concerned Correctional Home for due intimation of his bail to the accused.

Dictated & Corrected by me.

Sd/- (Smt. Ratna Roy)
Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore,

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Judge, Special Court-cum-
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1st Court, Serampore