

**S. T. (P.O.C.S.O.) 30 (09) / 2022**

**Order No. 17**  
**04.04.2024**

Ld. Special P.P.-in-charge is present. Ld. Lawyer for the accused is also present.

Bail petition filed on behalf of the accused on 20.03.2024 is taken up for hearing.

Heard Ld. Special P.P.-in-charge and Ld. Lawyer for the accused. Perused the bail petition and evidence on record and statement of C.S.W. No. 9, victim girl. Considered.

Ld. Lawyer for the accused submits that out of the three victim girls, two victim girls have been examined and they did not make statement implicating the accused under section 6 of P.O.C.S.O. Act. He further submits that the other victim girl has been summoned but her attendance could not be secured till date. Under such circumstances, prayer for bail of the accused may be allowed.

Ld. Special P.P.-in-charge vehemently opposes the prayer for bail. One of the victim girls has not yet been examined. Her statement under section 164 Cr.P.C. discloses the offence under section 6 of P.O.C.S.O. Act.

It appears from the record that charge has been framed against the accused under section 376AB of I.P.C. and 6 of P.O.C.S.O. Act. It further transpires from the record that two victim girls have been examined and father of one of the victim girl has been examined. Their evidence does not disclose commission of offence under section 6 of P.O.C.S.O. Act. But the allegation against the accused of commission of rape and aggravated penetrative sexual assault is against C.S.W. No. 9. C.S.W. No. 9 has not yet been examined but I.O. has been able to trace out the present whereabouts of the victim girl. Date has been fixed for her evidence on 07.05.2024. In her statement under section 164 Cr.P.C., there are materials against the accused under section 376AB of I.P.C. and 6 of P.O.C.S.O. Act.

Considering the above, I am not inclined to enlarge the accused on bail. Hence, prayer for bail of accused is rejected.

Issue summons upon PW-9 at the address mentioned in report of I.O. dated 08.12.2023.

I.O. is further directed to take necessary steps for securing the attendance of the witness on the date fixed.

To date, for evidence of victim girl.

Let a copy of this order be sent to I.O. for taking necessary action.

Dictated & Corrected by me.

Sd/- (Sri M.K. Rai)  
Judge, Special Court-cum-  
Additional Sessions Judge,  
1<sup>st</sup> Court, Serampore,

Sd/- (Sri M.K. Rai)  
Judge, Special Court-cum-  
Additional Sessions Judge,  
1<sup>st</sup> Court, Serampore,