

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

**Order No. 21**

**24.06.2024**

Sole accused namely Tapan Das is produced from correctional home. He is remanded to correctional home till 13.11.2024.

To date for production.

Ld. Special P.P.-in-charge is present and files hazirah. Ld. Lawyer for the accused is also present. No witness is present.

Today bail petition filed on behalf of accused is also fixed for hearing.

Accordingly, bail petition is taken up for hearing.

Heard both sides. Perused the bail petition, evidence on record and exhibits. Considered.

Ld. Lawyer for the accused submits that there are three victim girls in this case who have been examined and the defacto complainant and mother of one of the victim girls have also been examined. He further submits that no allegation of rape or penetrative sexual assault has come up in the evidence of these prosecution witnesses. He also submits that now only doctor and I.O. are left to be examined. He prays for bail of the accused on any condition.

Ld. Special P.P.-in-charge opposes the prayer for bail.

It appears from record that charge has been framed against the accused under section 376AB of I.P.C. and section 6 of P.O.C.S.O. Act. It is also apparent from record that the accused is in custody since 30.05.2022. It also appears from the charge sheet that there were three victim girls in the case and all of them have been examined. The defacto complainant and mother of one of the victim girls have also been examined. In the evidence of none of these witnesses the allegation of rape or penetrative sexual assault has come up. As all the victim girls have been examined and they have not made allegation of rape or penetrative sexual assault against the accused, I am of the view that this is a fit case in which the accused should be enlarged on bail. I am, therefore, inclined to allow the prayer for bail of the accused. Hence, prayer for bail of accused is allowed.

Accused Tapan Das 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 appear before this court on each and every date.

If on bail, to **13.11.2024** for appearance and evidence of C.S.W. Nos. 3 & 4.

Prosecution is directed to issue summons accordingly and to produce alamat, if any on the date fixed positively.

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/- (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