

Special (P.O.C.S.O.) 44 / 2023

Order No. 08 dated 13.09.2023:

Ld. Special P.P.-in-charge is present and files hazirah. A fresh vokalatnama is filed on behalf of the defacto complainant.

Ld. Lawyer for the accused and Ld. Lawyer for defacto complainant are present.

Bail petition filed on behalf of accused Sujata Ganguly on 11.09.2023 is taken up for hearing.

Heard all sides. Perused bail petition and record. Considered.

Ld. Lawyer for the accused submits that the instant case has been started on the basis of an application under section 156(3) Cr.P.C. after about one month from the date of occurrence of the incident. It has been alleged that on 13.07.2023 when minor daughter of defacto complainant was going to school she was beaten up by the accused and her sister, her school uniform were torn and she was molested. He submits that the petitioner is a lady and has been detained since 09.09.2023. He submits that the accused persons have been falsely implicated in this case as the landlord of accused persons have joined hands with a promoter who is bent upon to evict the accused persons from their tenanted premises with the help of defacto complainant. He prays for bail of accused on any condition.

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

Ld. Lawyer for defacto complainant opposes the prayer for bail and submits that another case has been started against the accused persons in which charge sheet has been submitted and notices were issued to the accused persons but they refused to accept the notice and have failed to appear before the court inspite of knowledge of the case. The allegations against the accused persons are under P.O.C.S.O. Act and as such, she may not be enlarged on bail.

On careful perusal of F.I.R., it transpires that the incident occurred on 13.07.2023 and F.I.R. was recorded on 18.08.2023 on the basis of complaint under section 156(3) Cr.P.C. There is allegation in the complaint that the defacto complainant instituted a case under P.O.C.S.O. Act and accused persons without obtaining bail, threatening the defacto complainant and his minor daughter to give false evidence in court. There is further allegation that on 13.07.2023 at 7 a.m. when minor daughter of the complainant was going towards school van, she was beaten by the accused persons with fists and blows, her uniform was torn and they outraged her modesty and have taken picture by disrobing her. The accused is in custody since 09.09.2023. It appears that there are litigations between the parties. The accused is in custody. Considering the rival submissions, I am of the view that further detention of the accused is not necessary for the purpose of investigation of this case. I am, therefore, inclined to allow her prayer for bail. Hence, prayer for bail of accused Sujata Ganguly is allowed.

The accused Sujata Ganguly may find bail of Rs. 5000/- with two sureties of Rs. 2500/- each, subject to the satisfaction of Ld. A.C.J.M., Serampore, on condition that she shall not intimidate the witnesses and shall not tamper with evidences in any manner whatsoever.

If on bail, to date (i.e. **22.09.2023**) for appearance.

Dictated & Corrected by me.

Sd/- (Sri M.K. Rai)

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

Sd/- (Sri M.K. Rai)

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