

Special (P.O.C.S.O.) 58 / 2024
(C.N.R. - WBHG05-001966-2024)

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

Order No. 10
13.12.2024

Accused persons namely Lav Kumar Singh @ Krish Singh Rajput, Susil Kumar Singh and Sunil Kumar Singh are produced from correctional home.

Today is fixed for supply of copy. Copy supplied.

Bail petition on behalf of accused persons namely Lav Kumar Singh @ Krish Singh Rajput, Susil Kumar Singh and Sunil Kumar Singh is moved.

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

Defacto did not appear even after receipt of summons.

Heard both sides over the bail petition.

Ld. Defence Counsel submitted that charge sheet has already been submitted in this case. The statement of the witnesses under section 180 of B.N.S.S. does not corroborate the F.I.R. Ld. Advocate further submitted that the only allegation against Susil Kumar Singh and Sunil Kumar Singh is of threatening. Though charge sheet has been filed against accused Lav Kumar Singh @ Krish Singh Rajput under section 4 of P.O.C.S.O. Act but from the statement of the victim girl under section 183 of B.N.S.S. nothing can be seen as regards the allegation under section 4 of P.O.C.S.O. Act. The medico-legal examination of the victim was refused. That as charge sheet has already been filed there is no chance of hampering and tampering with evidence. He thus prayed for bail of the accused persons under any condition.

Ld. Special P.P.-in-charge opposed the bail prayer stating that there is a story of child marriage. Also charge sheet has been filed under section 4 of P.O.C.S.O. Act.

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

On perusal I find that charge sheet has been filed against accused Sushil Kumar Singh and Sunil Kumar Singh under sections 137(2)/140(3)/3(5) B.N.S. The facts and circumstances of the case and materials in C.D. in my opinion does not require custody trial of the accused Sushil Kumar Singh and Sunil Kumar Singh. Hence, the bail prayer of the accused Sushil Kumar Singh and Sunil Kumar Singh is allowed.

Accused persons namely Sushil Kumar Singh and Sunil Kumar Singh may find bail of Rs. 6000/- each with two sureties of Rs.3000/- each, subject to satisfaction of Ld. A.C.J.M., Serampore on condition that they shall remain present before the court on all dates fixed.

However, as charge sheet has been filed against accused Lav Kumar Singh @ Krish Singh Rajput under sections 137(2)/64/351(2)/3 B.N.S. and section 4 of P.O.C.S.O. Act and there are sufficient materials against the accused, I do not find it a fit case to grant bail to the accused Lav Kumar Singh @ Krish Singh Rajput. Hence, his bail prayer stands rejected.

If on bail, fix **30.01.2025** for appearance of Sushil Kumar Singh and Sunil Kumar Singh and production of Lav Kumar Singh @ Krish Singh Rajput and charge.

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.

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