

Special (P.O.C.S.O.) 63 / 2024

(C.N.R. - WBHG05-002113-2024)

Present: Smt. Ratna Roy

(J.O. Code : WB00914)

Order No. 05

09.12.2024

Accused Prasanta Bhunia is produced from correctional home.

Today is fixed for hearing of the bail application filed on behalf of the accused Prasanta Bhunia.

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

Notice had been served upon the defacto informing him to be present at the time of bail hearing but the defacto did not appear nor is the defacto represented by any one.

The bail petition is taken up for hearing in the absence of the defacto.

Ld. Advocate for the accused submitted that the accused is sister's husband of the defacto. The wife of the accused had asked for share in her father's property from the defacto and for that reason the accused had been falsely implicated in the case. The accused is in custody since 27.11.2024. The medical examination of the victim was refused. He thus prayed for bail of the accused under any condition.

Ld. Special P.P.-in-charge opposed the bail prayer stating that the victim is a minor girl. She had corroborated the F.I.R. during her statement under section 183 of B.N.S.S. The F.I.R. had been corroborated by the witnesses under section 180 of B.N.S.S. The case being under section 8/9(m) of P.O.C.S.O. Act, medico-legal examination of the victim is not required.

Considered submissions of both sides. Perused the materials in the C.D. including the statement of victim girl under section 183 of B.N.S.S.

Considering the facts of the case, the statement of the victim girl and other materials on record and the fact that the case is still under investigation, the bail prayer of the accused stands rejected.

To **21.12.2024** for production and I.O.'s report.

Dictated & Corrected by me.

Sd/- (Smt. Ratna Roy)

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

Sd/- (Smt. Ratna Roy)

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