

Special (P.O.C.S.O.) 63 / 2024
(C.N.R. - WBHG05-002113-2024)

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

Order No. 14
22.01.2025

Accused Prasanta Bhuniya is virtually produced from correctional home.

Today is fixed for hearing of the bail petition on behalf of the accused Prasanta Bhuniya.

The defacto is present.

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

Heard both sides over the bail petition.

Ld. Defence Counsel submitted that the accused is in custody since 27.11.2024. Investigation of the case is nearly over. The offence under section 9 of P.O.C.S.O. Act would not lie against the accused. The accused has been falsely implicated in the case because of family dispute. He thus prayed for bail of the accused under any condition.

Ld. Prosecution opposed the bail prayer stating that the victim girl being aged below 12 years, the case fell under section 9(m) of the P.O.C.S.O. Act. The victim girl had corroborated the F.I.R. during her statement under section 183 of B.N.S.S. The F.I.R. has been corroborated by the wife of the accused and other witnesses during their statement under section 180 of B.N.S.S.

Considered submission of Ld. Advocates of both sides. Perused the materials in the C.D. including the statement of the victim girl under section 183 of B.N.S.S. and the statements of the witnesses under section 180 of B.N.S.S.

Considering the facts of the case, the statement of the victim girl and other witnesses, the materials on record and the fact that the case is still under investigation, I do not find it fit and proper to grant bail to the accused at this stage. Hence, the bail prayer stands rejected.

Fix **05.02.2025** for production and I.O.'s report.

Sd/- (Smt. Ratna Roy)
Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore,

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