

S.C. No. 50 of 2023 (P)
Mal PS Case No. 890/23 dated 04.11.2023
u/s 08 of POCSO Act.

Order Dated 09.02.2024

Today is fixed for hearing of bail application.

Ld. Advocate for the accused and Ld. PP in Charge found present.

Complainant is found present.

The bail application is taken up for consideration.

Heard both side.

Ld. Advocate for the accused submitted that the accused is in custody since 07.11.2023 and CS has already been submitted and there is no scope for further investigation or chance of abscondence of the accused. It is further submitted that an altercation took place in between the complainant and the accused person on the same day and a proceeding was initiated against the complainant and others by the family of the accused. It is further submitted that the complainant lodged this case due to grudge against the accused person. Ld Advocate for the accused prayed for bail on any condition.

Ld. PP in charge being assisted by the Ld. Advocate for the complainant admitted the fact that there was a comotion in between the parties resulting case and cross case.

He placed the CD before this court and prayed for necessary order.

Considered.

Perused the relevant materials from the case record and the CD.

It appears that the accused is in custody since 07.11.2023. It is further submitted that the accused never moved before any higher authority for his bail application. It is further submitted that no bail application is pending for hearing before any higher forum. I have also perused the medico-legal examination report of the victim boy and other relevant documents from the CD. It is found from the submission of both side that the accused is a family man having his wife and children and definite abode. Ld. Advocate for the accused assured the day-to-day appearance of the accused before this court throughout trial.

Considering the entire facts and circumstances, the submission of both side, period of detention and the present facts and circumstances, I find no justification to detain the accused further in custody.

Hence, the accused Nirmal Chakraborty may find a bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. CJM, Jalpaiguri.

To: **21.02.2024** for appearance, if on bail, and copy.

A copy of this order be communicated to the Ld. CJM, Jalpaiguri for his information and necessary action.

Dict. & Correct. By me

Sd/-

A.S.J.

Sd/-

Addl. Sessions Judge, Spl. POCSO
Court, Mal, Jalpaiguri.

No. /ADJ/Mal/Jalpaiguri

Dated

Copy forwarded to :-

1. The Ld. CJM, Jalpaiguri for information and necessary action.

Addl. Sessions Judge
Mal, Jalpaiguri