

Special Case No.73/2022

Present :Smt. Papiya Das (J.O.No. WB00736)
Judge, Special Court,
Alipurduar.

Order no.27.

dt.25.01.24.

Accused Binay Debnath is produced from J/C.

Today is fixed for evidence.

Ld. Special P.P is present by filing hazira.

Ld Advocate for the accused is also present.

One witness, namely, Sadhana Barman is examined as P.W. 4 and cross examined in full and discharged.

Documents are marked as Exhibit-1/2 and Exhibit-6.

No other witness is present.

The present schedule is exhausted.

Fix **06.03.24** for evidence of C.S.W No. 5,

07.03.24 for evidence of C.S.W. No. 7 and scribe.

Issue summons accordingly.

One bail petition is filed on behalf of the accused person.

Heard Ld. Defence counsel as well as Ld. Special P.P.

Ld. Defence counsel submits that the accused is in custody since 17.07.2022. He further submits that the medical officer who examined the victim, has been examined in this case and in his medical examination report, he did not find any injury mark on the private part of the victim girl. He further submits that already four witnesses are examined in this case including the V.G., complainant and the medical officer. He thus prays for bail on any stringent condition.

Ld. Special P.P submits that the victim girl is a minor aged about 4 years. He further submits that the alleged offence is heinous one. Ld Special P.P. further contended that the VG in her deposition has deposed

against this accused person. He thus, raises strong objection against bail prayer of the accused.

Perused the case record as well as materials in CD including 161 & 164 Cr.P.C statement of the V.G, wherefrom I find that there are sufficient incriminating materials against the present accused in the CD. In my considered view, if the accused be released on bail then

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there is every possibility of his absconsion and tampering the evidence. Considering the nature and gravity of the alleged offence, I am not inclined to enlarge the accused on bail at this stage.

Hence, prayer for bail of accused is hereby **rejected**.

Fix **06.03.24** for production and evidence.

Dictated & corrected
by me

Judge, Special Court,
Alipurduar.

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