

Special Case No.27/2024

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

Order no.3
dt.07.03.24.

Today is fixed for production and bail hearing.

Accused Bappa Das is produced from J/C.

One bail petition is filed on behalf of the accused praying for bail.

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

Ld. Advocate for the accused submits that the instant case has been instituted upon a missing diary. It is further submitted that the accused is not named in the FIR and is in custody since 07.02.24. He again submits that there is love affairs between the accused and the victim girl and the victim girl has been recovered. He thus prays for bail on that ground.

Ld. Special P.P draws attention of the court to the medical report, the 164 Cr.P.C. statement of the victim girl and submits that VG is 17 yeas 3 moinths 26 days old on this date as per FIR and she refused to be medically examined.. He thus prays for passing necessary order in this respect.

Perused the case record as well as materials in CD, I find from the 164 Cr.P.C. statement that there is no ingredient of POCSO Act involved in the act of the accused person. The victim girl refused to undergo medical examination. The accused suffered detention for sometime. His further detention is not justified by materials on CD.

Hence, bail prayer of the accused is hereby allowed.

The accused Bappa Das may find bail bond of Rs. 2,000/- with one registered surety of the like amount, subject to satisfaction of Ld.CJM, Alipurduar, i.d to J/C.

If on bail, to **25.04.24** for appearance and IO's report.

Let a copy of this order be sent to the Ld CJM, Alipurduar for information and taking necessary action.

Dictated & corrected

by me

Sd/-

Judge, Special Court,
Alipurduar.

Sd/

Judge, Special Court,
Alipurduar.