

Sessions Trial Case No. 07 (July) 2023
SC 15 of 2023 (P)
Mal PS Case No. 238/23 dated 09.04.2023
Sec 363/365 IPC adding Section 04 of POCSO Act
JO CODE: WB00616

Order No. 9 dated 21.12.2023

Ld. Advocate for the accused Mastu Chaudhary is found present.

Ld PP in charge is found present.

Date is fixed for hearing of bail application.

Complainant is found not present on call.

Heard both side.

Ld. Advocate for the accused submitted that the accused is in custody since 10.04.2023 and the vital witnesses i.e. the complainant and the VG have been examined in full and their evidence shows room to release the accused on bail. It is further submitted that the accused never kidnapped the victim girl and he never forced the victim girl to any unlawful activity. It is further submitted that the deposition of the victim girl shows her willingness to be with the accused and she was aged about 17 years at the time of alleged incident and had sufficient understanding for her activities. It is further submitted that there is no chance of abscondence of the accused. The accused is a local man having definite abode and family. He prayed for bail on any condition.

Ld. PP in charge raised objection.

Considered.

Perused the relevant materials from the case record.

A plain reading of the materials from the record as on date shows weightage in the submission of the Ld Advocate for the accused. The victim girl is aged about more than 17 years. She has sufficient maturity to justify her action. The accused is a local man and he assured to face trial by attending this court regularly. The accused is in custody for more than eight months. In all probability, I do not find any justification to detain the accused further in custody.

Therefore, the accused Mastu Chaudhary may find an bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. CJM, Jalpaiguri, i/d to J/C.

To date (17.01.2024 for evidence).

To date for appearance, if on bail.

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