

SC No. 13 of 2023 (POCSO)
Mal PS Case No. 221/2023 dated 05.04.2023
u/s 6 of POCSO Act
CNR No. WBJP090000732023
JO CODE: WB00616

Order dated 19.06.2023

The case record is put up on the basis of put up petition.

Ld. Advocate for the accused Kushal Chettri @ Kaushal Chhetri @ Chhetri pressed for hearing of the bail application filed on dated 13.06.2023.

Ld. PP in charge is found present. He submitted that the de facto complainant along with the VG put up their appearance at his office.

Ld. Advocate Ms. Arunima Mitra filed an application on behalf of the de facto complainant supported by an affidavit duly executed by the de facto complainant. Such petition is seen by the Ld. PP in charge.

Application for bail of accused Kushal Chettri @ Kaushal Chhetri @ Chhetri is taken up for hearing.

Ld. Advocate for the accused submitted that the accused is the son-in-law of de facto complainant and the accused has his wife and a small child. It is further submitted that the accused is innocent and the allegation labelled against him is not true. It is further submitted that the accused is in custody since 06.04.2023 and no bail petition was filed or heard or rejected by any higher forum. He further submitted that Charge Sheet has been filed by the prosecution and there is no chance of his abscondence. He further submitted that the accused has definite abode and would face trial. He prayed for bail on any condition.

Ld. PP in charge submitted that the de facto complainant, the VG and the wife of the accused turned up today and they did not raise voice against the accused. He further submitted that the de facto complainant filed an application raising no objection to the bail application of the accused. He admitted that the CS has been submitted and prayed for necessary order.

Heard both side. Perused the application. Found the de facto complainant and the wife of the accused is present in person.

Perused the relevant materials from the record. It is found that the accused is a local person having definite abode and lives with his family. It is further found that Charge Sheet is submitted and trial is yet to begin. I also find that the de facto complainant voluntarily submitted his application. In the circumstances, further custody of the accused is unwarranted when there is no chance of abscondence of the accused.

Considering the entire facts and circumstances and submission of both side and also considering the period of detention in custody, I find no justification to detain the accused further in custody. To secure his day-to-day attendance, he may be enlarged on interim bail till 01.07.2023.

Therefore, the accused Kushal Chettri @ Kaushal Chhetri @ Chhetri may find interim bail of Rs. 2,000/- with one surety of like amount, to the satisfaction of Ld. CJM, Jalpaiguri, i/d to J/C till 01.07.2023.

Fix **01.07.2023** for appearance if on bail.

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

Dict & Corrected by me

Sd/-
Addl. Sessions Judge
Mal, Jalpaiguri

Sd/-
Addl. Sessions Judge
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