

S.C. No. 16 of 2024 (POCSO)
Mal P.S Case No. 135/2024 dated 10.03.2024
u/s 6 of POCSO Act
JO CODE: WB00616

Order Dated 17.08.2024

Date is fixed for hearing.

The mother of the victim girl found present with the victim girl. Ld Advocate namely, Arunima Mitra appeared on behalf of the mother of the victim girl and filed an affidavit submitting the same through Ld. PP in Charge.

Heard both side.

Ld. Advocate for the accused submitted that the victim girl is nearing 18 years and matured enough to take decision for her well-being. It is further submitted that the accused and the VG were in love in relationship and are engaged as per their customs prevalent in tribal community. It is further submitted that both the families of the accused settled their marriage. He prayed for bail on behalf of the accused on any condition.

Ld. Advocate for the mother of the VG submitted through Ld. PP in Charge that she has no objection in releasing the accused from the custody on bail.

Ld. PP in charge raised formal objection and placed the CD.

Considered.

Perused the relevant materials from the case record and the CD. Perused the affidavit along with the petition filed by the mother of the VG. It is found that the VG and her family acknowledged the relationship between the VG and the accused. Although the VG is slightly under 18 years of age, she possesses sufficient understanding of her actions. Both parties are somewhat uninformed about the legal code, which has led to the emergence of this case. The VG is customarily betrothed to the accused. Further, CS has been submitted and charge has been framed and there is less chance of tampering with evidence. In this context, the Court sees little justification for detaining the accused further, merely to prolong his incarceration.

Considering the submission of both side, the nature of allegation and mitigating circumstances, I find reasons to take lenient view in releasing the accused on bail.

Hence, the accused Niraj Lohar @ Sartirkey @ Sanmangwa may find a bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. CJM, Jalpaiguri, with a condition to appear before IO as and when called for.

Fix **11.11.2024** for appearance if on bail and evidence of complainant.

Issue summons accordingly.

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