

SC 24 of 2024 (P)

Mal PS Case no. 221/24 dated 26.04.2024

u/s 08 POCSO Act

JO CODE: WB00616

Order Dated 06.06.2024

Date is fixed for hearing of bail application.

Ld. P.P in-charge as well as Id. Counsel for the accused Md. Sahil are present.

Complainant is found absent.

Heard the Id. Advocate on behalf of the accused, who submits that the victim girl is aged almost 18 years and the accused is aged about 20 years. He further submits that the VG was in love with the accused and they were supposed to engage in marriage very soon. It is further submitted that the case has been initiated by the mother of the VG due to some misunderstanding with the accused and the members of his family. It is further submitted that the accused is in custody since 27.04.2024 and the investigation is almost complete. He submits further that the accused has never moved before any higher forum for his bail application and no bail application is pending before any higher authority till date. He prays for bail of the accused on any condition.

Ld. P.P in-charge has raised objection and placed the CD before this court.

Perused the relevant materials from the case record and CD.

Admittedly, the accused was arrested on 27.04.2024 and since then he is in custody till date. It is found on record that the VG is aged about 17 years 09 months. It is further found that the accused is young and aged about 20 years. The VG admitted her love in relationship with the accused. The accused allegedly touched the victim girl against her will. The copy of the statement of the victim girl recorded u/s 164 CrPC available in CD shows that her mother filed this case against the accused as the accused allegedly broke trust of the victim girl. The victim girl is matured enough and almost reached the age of consideration. The accused is a local person and is in custody for more than 40 days. There is no chance of his abscondence. The investigation has reached its final stage. In the circumstances, I find no justification to detain the accused further in custody.

Considering the entire facts and circumstances, materials on record and submission of both side and also considering the nature of allegation, the accused Md. Sahil may find a bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. CJM, Jalpaiguri.

Fix **12.07.2024** for appearance if on bail and IO's report.

Accused be remanded to J/C and be produced on date fixed.

To date for appearance and charge, if on bail.

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

CD be returned

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