

SC 73 of 2024 (P)
Mal PS case No. 546/24 dated 15.09.2024
u/s 12 POCSO Act.
JO CODE: WB00616

Order Dated 03.10.2024

Date is fixed for hearing of bail application of accused Dayanath Roy.

Ld. Advocate for the accused and Ld. PP in charge are found present.

Complainant is found absent.

The bail application is taken up for consideration.

Heard Ld. Advocate for the accused who respectfully submitted that the FIR was made from an authority of the concerned school and the same was placed before police after discussing with all the teachers at school. It is further submitted that no victim has made any complaint against the accused till date. It is further submitted that the allegations as mentioned in the written complaint are false or hardly a move by the accused affectionately towards the students which might have been sensed otherwise. He pointed out that the accused is a local man having his definite abode and has no chance to evade trial. It is further submitted that the accused would not enter the school premises without the express permission of the school authority. He prayed for bail on any condition.

Ld PP in charge raised objection and placed the CD.

Heard both side.

Considered.

It appears on record and CD that few female students reported against the teacher in the year 2023 but the school authority did not take steps except rebuked the teacher and warned him. It is alleged that the accused teacher repeated the same for which the school authority lodged this case. The accused is in custody since 16.09.2024. Substantial investigation has been done. The allegations fall within the ambit of Section 12 of the POCSO Act. Considering the nature of allegation, the period of detention and submission of both side, I find room to release the accused on conditional bail.

Hence, the accused Dayanath Roy may find a bail of Rs. 2,000/- with one surety of like amount subject to satisfaction of Ld. CJM, Jalpaiguri, with a condition not to enter the school premises without obtaining prior permission from the school authority till the completion of investigation. The accused shall not leave the jurisdiction of this Court without permission of this court.

Fix 05.11.2024 for appearance if on bail.

CD be returned.

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.

No. /ADJ/Mal/Jalpaiguri

Sd/-
Addl. Sessions Judge, Spl. POCSO
Court, Mal, Jalpaiguri.
Dated

Copy forwarded to :-

1. The Ld. CJM, Jalpaiguri for information and necessary action.

Addl. Sessions Judge
Mal, Jalpaiguri