

Special POCSO Case No. 7/2023

Order No. 15
Dated 28.10.2024

Today is fixed for hearing of the bail petition dated 18.10.2024 filed on behalf of the accused Manoj @ Lucky Rai.

Ld. Counsel of the said accused has submitted that the accused is innocent and has been falsely implicated in this case and his mother is ailing and has other health issues as well. The accused was arrested on 23.03.2023 and produced before this court on 24.03.2023 and since then he is in judicial custody. The victim girl and other prosecution witnesses have already been examined in this case and therefore, the trial of this case is proceeded sufficiently. It has further been submitted that the V.G. had allegedly got her foetus aborted and DNA profiling of the said foetus with the blood sample of the accused was done at State Forensic Science Laboratory, Kolkata and in the report submitted by S.F.S.L, Kolkata the accused was excluded from being the biological father of the said foetus. Accordingly, a prayer has been made for enlarging the accused Manoj @ Lucky Rai on bail.

Ld. Special P.P. (POCSO), Mrs. Nisha Rai, advocate has opposed the prayer for bail and submitted that other witnesses are yet to be examined in this case and the prosecution witnesses including the victim girl have in their depositions specifically made allegations against this accused person. Accordingly, a prayer has been made for rejecting the bail prayer of the accused.

Considering the facts and circumstances and taking into account the allegations against this accused as well as considering the depositions of the prosecution witnesses including the victim girl, in my opinion, this is not a fit case for releasing this accused Manoj @ Lucky Rai on bail and accordingly, his prayer for bail is rejected.

To date as already been fixed for trial i.e. from 03.02.2025 onwards. Accused in J/C is to be produced on 03.02.2025.

D&C by me

Sd/-

Judge, Special Court (POCSO)
Kalimpong in-charge

Sd/-

Judge, Special Court (POCSO)
Kalimpong in-charge