

Spl. (POCSO) Case No. 3 of 2022

Order No.47

12.04.2024

Today is fixed for hearing of bail petition dt.02.04.2024.

Ld. Advocate filed a petition for bail hearing. Accordingly, the victim girl and her mother was called for. CD has been produced.

Ld. Advocate submitted a written argument by mentioning different judgment decision stating that the evidence of victim and her mother of the victim recorded by this Court having different lacuna to show that the accused person is innocent. Ld. Advocate mentioned such ambiguity one after another as per written submission. It has been stated that the accused is in custody more than 700 days and he is the father of the VG. The facts brought by the victim girl and her mother about pregnancy by the accused person has cast a cloud of suspicion. Ld. Advocate prays for bail in any condition.

Ld. PP in charge opposes for bail and submitted that the present case is very serious in nature and there would be serious breach if the accused be released on bail. I.O of this case is also present today and called by the prosecution.

On being asked the victim girl and her mother opposes for bail and stated that the accused person is a notorious person and will cause murder of them.

Heard both sides. Considered.

I have gone through the record and gone through the written submission. I have also gone through the judgments cited by the Ld. Advocates. On careful perusal it shows that the ambiguity as mentioned by the Ld. Advocate is a matter of argument. There is no doubt that the alleged offence committed by the accused person is serious in nature. It also found that the defence counsel made prayer under Sec.231 Cr.P.C by which the delay has been caused to proceed with the case. It is found from the record the scheduled has already been fixed 15.05.2024 and 16.05.2024.

Having regards the facts and circumstances, it is found that the decision cited by the Ld. Advocate are not properly matched with the present case.

Accordingly, I am not inclined to allow the prayer for bail of the accused.

Hence, the prayer for bail is considered and stands rejected.

D/C by me

Additional Sessions Judge

Bongaon

Additional Sessions Judge

Bongaon