

SPL(POCSO) 15/18

Order no.45

15.06.2019

Today is fixed for evidence but no witness is present before court.

A bail petition is moved for accused **Ratan Kuri** .

Heard submission of both sides.

Ld. Advocate appearing for the accused by swearing an affidavit submits before court that no petition for bail of these accused have been preferred, pending or rejected by any Higher court.

Ld. Advocate appearing for this accused submits that this accused has been detained in J/C since 6.3.2018. He further submits that some of the witness has already been examined but thereafter witness are not coming so he prays for bail of this accused.

Ld.P.P.in-charge is present and submits that victim and her mother in this case who are vital witnesses, are yet to examine and address of the victim is to trace out and victim is not residing in a given address of this accused and also submits that accused is the maternal uncle of the victim who committed rape upon the victim so he prays for passing necessary order after considering CD material and fact of the case .

After having heard submission of both sides and also have gone through the record of the case so also the petition for bail wherefrom it appears that offence as alleged against upon a minor girl who happens to be the near relation of this accused i.e. niece and as she is yet to examine and her mother also not been examined so after having that aspect and also after considering nature of the offence and evidence, this court is not inclined to allow his prayer for bail. Accordingly it is refused.

Fix.. 17.7.2019 and 18.07.2019 for evidence of victim and her mother .

Directing the prosecution to take appropriate step for production of witness on the next date.

Let a copy of this order be sent to Ld. ACJM Bongaon.

D/C

Judge Special Court
Bongaon, North 24-Parganas