

**S.C (Spl) Case No. 03 of 2024**

**Or. No.17**

**Dt.20.05.24.**

Accused Himangshu Kumar is produced from C.H, Purulia and taken into custody.

This day is fixed for hearing of petition for discharge in respect of accused Hemanta Mondal and bail petition filed by the accused Himangshu Kumar.

Ld. Spl. P.P is also present.

Firstly the discharge petition in respect of accused Hemanta Mondal is taken up for hearing.

Heard Ld. P.P and perused the C.D. which transpires that there is no materials against the accused Hemanta Mondal gathered during investigation.

The defacto complainant is present before this court and was heard at length while he placed his no objection regarding discharge of the accused person namely Hemanta Mondal.

Accordingly, I find no impediment to accept the prayer of the I.O and Hemanta Mondal be discharged from this case.

Note accordingly.

Now the bail petition is taken up for hearing.

The Ld. Defence counsel has categorically submitted that the accused has been in custody since 21.12.2023 and though charge sheet was submitted on 21.02.2024, charge could not be considered till today due to pendency of the discharge petition in respect of the other accused. He further submitted that the accused is a local person being resident of a place away from the residence of the victim of the defacto complainant and there is no chance of absconsion and / or tampering with evidence or influencing any witness to this case. Thus, highlighting that the accused Himangshu Kumar in custody for a considerable period, the Ld. Advocate prayed for bail of the accused.

Ld. Spl. P.P strongly opposed the bail prayer of the accused person contending that previously this court turned down the bail prayer of the accused person after considering the materials of the case diary and that since charge has not yet been considered in view of the resolution of the Bar which cannot be a ground for considering the bail of the accused person. He further submitted that any venture allowing enlargement of the accused person at this stage would jeopardise the further proceeding of this case.

The defacto complainant has categorically submitted that he has no objection if the accused person is enlarged bail at this stage.

After hearing submissions of both sides and having gone through the case record, as well as case diary, it is found that there is allegation under specific provisions of Sections 6 POCSO Act read with Section 363/365 of IPC for which charge has yet to be

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considered and if the accused be enlarged at this stage, the further proceedings of this case will be hampered. Indeed, prayer for bail was rejected earlier considering the materials on record. Thus, I do not find any further development after rejecting the bail prayer on last occasion which can be taken into consideration for allowing the bail to the accused persons.

Thus prayer for bail of accused Himangshu Kumar is hereby rejected.

To 16.07.2024 for production and consideration of charge.

Accused Himangshu Kumar is hereby remanded to J.C till next date.

C.D be returned.

Dictated & Corrected by me

Addl. Sessions Judge  
1<sup>st</sup> Court, Purulia.

Addl. Sessions Judge  
2<sup>nd</sup> Court, Purulia.