

Special Case No.01/2024
CNR – WBSP01-000039-2024

Ref.: Parnasree PS Case no: 545/2023 Dated : 2812.2023
U/s 376 of I.P.C read with Sec 6 of the Protection of Children from Sexual
Offence Act, 2012.

Present :Sudipta Bhattacharjee (JO Code - WB00794)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.
State Vs.Father of the complainant

Order No.05
Dt. 31.01.2024

The accused Sanatan Mahato is produced from J/C through V.C.S. Today is fixed for hearing of the bail petition filed on behalf of the accused.

Received the report of the I.O., who is personally present before the Court.

The ld. Lawyer for the accused argued that the victim is mentally unstable. Due to miscommunication, this case was filed. The accused is in custody for a long time. Thus, he prayed for bail of the accused person.

Ld. Special P.P. raised objection against the prayer for bail.

The victim girl being the defacto complainant, came to court and she was placed in VG room. On being asked through VCS, she said that she has no objection if the accused is enlarged on bail. Be it mentioned that on the last occasion also the victim girl came to court and showed her repentance for intiation of criminal case against her father.

The mother of the victim girl is present. On the other day, the mother of the victim girl appeared and filed an affidavit stating that her daughter had shown sign of mental illness on many occasions but looking at the age of her child, she always thought that she would become well in due course of time. On 22-11-2023, the school authority also informed the parents through a letter that some unusual systems which required immediate treatment and she had marks on her hand of hurting herself. According to her, her daughter mistakenly filed this case against her husband and she raised no objection in respect of the bail application.

Admittedly, the medical examination of the victim girl is going on at the Institute of Psychitry, SSKM Hospital under the advice of Dr. Indrani Das. The I.O. submitted that he could produce all the certificates after completion of her treatment.

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I have perused the report of CWC. I have also perused the communication dated 22-11-2023, sent by the Principal, Meghmala Roy Education Center to the parents of the victim girl, who is a student of that institution. It appears from the document that the victim is suffering from mental illness which also reflects from the letter If the Principal of the said school addressed to her parents. The Principal of the school brought thenotice to her parents that the victim showed some unusual systems which require immediate treatment. She noticed that the victim had marks on her hand of hurting herself and the victim was found eating Napathalene balls in the class. She requested the parents of the victim to take immediate steps to guide her and protect her life. It appears that the victim was suffering from hallucination which is transpired from the report of Cwc. It appears that there was a dispute between the father and mother of the victim. Finally, her mother left three months ago. She is a student, but according to thereport, she does not have much interest in study, but she has a vast group of friends of both genders.

The CWC report and the observation of the Principal towards the parents of the victim reflects about psychiatric problem of the victim. She was in the state of hallucination. More so, she ws undergoing treatment at IPGM as per advice of the doctor. The victim has already showed her repentance about the initiation of the criminal case. However, the statement of the victim or the subsequent statement convincing or not, the apt stage is the trial of this case, if I.O. files charge sheet against the accused, then only the court will come to a conclusion about the alleged offence. A person cannot be detained for an unlimited period without deciding the mental stability of the victim. Based on the complaint of an unstable state of mind, a person cannot be detained for an indefinite period.

Considering all the facts and circumstances and the discussions made above and also considering the period of detention of the accused including the submissions of the victim and her mother, I am inclined to enlarge the accused person on interim bail.

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Accordingly, accused Sanatan Mahato may find interim bail of Rs. 5,000/- (rupees five thousand only) with two sureties of Rs. 2,500/- (rupees two thousand five hundred) each, one of whom must be a local surety subject to satisfaction of learned C.J.M Alipore with condition that the accused person shall not enter into the jurisdiction of Parnasree P.S. where the victim resides with a further condition that he will meet the I.O. of the case once in a week till further order and to attend the Court regularly i.d to J.C till 13-02-2024. In the event of failure to appear before this Court without any justifiable cause an appropriate legal action will be taken against him.

On perusal of the entire things, I am of the considered view that the victim needs further treatment and the victim should be placed in the custody of her mother for her proper care and treatment. The mother of the victim has undertaken that she will look after her daughter and the treatment of her ward.

The I.O. is also directed to look into the continuation of the treatment of the VG as it is going on at Institute of Psychiatry, SSKM Hospital.

The mother is also directed to appear before the Court and submit the progress of treatment, which was undertaken for the victim and also about her mental state time to time before the Court for the well being of the minor.

If on bail to 21-03-2024 for appearance of accused person and the mother of the victim and for supply of defence copy.

To date (21-03-2024) for submission of report.

I.O. is also to submit report on the date fixed regarding her treatment along with other papers.

D/c by me.

Judge, Special Court &
2nd A.S.J., Alipore

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