

CIS-38/2022
Spl. ST-11(09)2022
Spl. Pocso-38/2022
J.O. Code-WB00875

Order No. 44

Dated: 03.10.2024

Today is fixed for production of accused Shambhu Bhunia @ Jiten, hearing of bail petition filed for accused on 11.09.2024 and evidence of defacto complainant.

Sole accused Shambhu Bhunia is produced from J/C and he is represented by his Ld. Counsel.

Ld. Spl. P.P. in charge namely Smt. Haimabati Sinha Barma files hazira for the State along with hazira of defacto complainant.

Original birth certificate of VG is produced on the part of defacto complainant through firisti.

The case record is taken up for evidence of defacto complainant (CSW-1).

Defacto complainant (CSW-1) is examined in chief as PW-2 and cross examined in full.

During his examination in chief the signature of Gurupada Shit in the written complaint is marked as **Exbt. P-3 (PW-2)**, the signature of Gurupada Shit in Bengali in seizure list dated 18.06.2024 is marked as **Exbt. P-4 (PW-2)**, the signature of Gurupada Shit in Bengali in the Zimmanama is marked as **Exbt. P-5 (PW-2)** and the original birth certificate of the daughter of PW-2, produced today by PW-2 is marked as **Exbt. P-6 (PW-2)**.

The case record is now taken up for hearing of bail petition filed for accused on 11.09.2024.

Heard both sides.

At the very outset, Ld. Defence Counsel submits that no bail petition in respect of this accused in connection with this case is pending or rejected by any upper forum. It is submitted that the accused is in J/C since 10.06.2022. Alleged incident took place on 08.06.2022 and the FIR was lodged on 10.06.2022. The VG and DC have already been examined and cross examined in this case. It is further submitted that there is no whisper in the FIR, statements of VG as well as in the evidence of VG that she raised her voice when she was being taken away by the accused. Had VG been forcefully taken away, then she obviously would have raised her voice. The alleged incident is totally false and the accused has been victimized and hence, is the prayer for bail of the accused.

Ld. Spl. P.P. in-charge namely Smt. Haimabai Sinha Barma opposes the bail petition and submits that VG is a minor and her statement recorded u/s 164 Cr.PC shows serious allegation against this accused.

Perused the materials on record, CD including injury report. I have gone through the available materials in hand. It is found that evidence of VG and DC have been concluded. Considering all aspects including the period of detention undergone by accused, I find that further custodial detention of the accused is not required anymore. As such, I am inclined to grant bail to accused person namely Shambhu Bhunia @ Jiten, son of Gopal Bhunia and **he is entitled to get bail amounting to Rs. 5,000/- with one surety of like amount, subject to satisfaction of Ld. ACJM, Kakdwip on condition that he shall attend before this Court on each and every date of the further proceedings of this case and in case he cannot attend the Court there should be a cogent ground with supporting documents and also he shall not give any type of threat or inducement to the V.G and prosecution witnesses failing which this order shall stand cancelled without any further reference.**

Fix 02.01.2025 for appearance/production and evidence of CSW-2.

Fix 03.01.2025 for appearance/production and evidence of CSW-3.

Fix 07.01.2025 for appearance/production and evidence of CSW-4.

Prosecution is directed to take steps for issuing summons accordingly.

Return C.D.

Let a copy of this order be sent to the Ld. ACJM, Kakdwip for information and taking necessary action.

Dict. & Corr. by me

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.

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& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.