

CIS-49/2021
Special ST-03(02)2022
(CNR No. WBSP150008402021)
(J.O.Code-WB00859)

Order No. 51

Dated: 20-09-2024

Today has been fixed for production, hearing of bail application of accused petitioner namely Debaprasad Bag @ Suman and cross examination of PW-1 (VG).

Accused person namely Debaprasad Bag @ Suman is produced from J/C and remanded to J/C till next date.

The Ld. Advocate of the accused person and the Ld. Spl. P.P. in-charge are present.

The C.D. has been produced.

The V.G. and her mother both are present.

The bail petition dated 06.09.2024 is taken up for hearing.

Heard the Ld. Advocate of the accused person and the Ld. Spl. P.P. in-charge.

Perused the bail petition, case record and the C.D.

The Ld. Advocate of the accused person submitted that the accused person has been falsely implicated in this case. Moreover, he is in custody since 07.10.2021. The investigation of the case has already been completed and thus there is no further requirement for keeping the accused person in custody. Thus, he prayed for bail of the accused person.

The Ld. Spl. P.P. in-charge raised objection against the said prayer of the accused person. She submitted that the allegation against the accused person is quiet serious in nature. Thus, considering the nature and gravity of the offence, the bail prayer should be rejected.

It appears that the V.G. has been medically examined and she has also given her statement before the Ld. Judicial Magistrate, Kakdwip u/s 164 Cr.PC. She has also deposed in this case as PW-1. Two other witnesses have also deposed in this case. The cross examination of PW-1 and PW-3 have been deferred on the prayer made by the accused person u/s 231 Cr.PC.

Considering the materials on record particularly the statement of the V.G. u/s 164 Cr.PC, the evidence of PW-2 and PW-3 and keeping in mind the importance of the statement of the V.G. in a case under POCSO Act and the burden of proof in cases of this nature, this Court is not inclined to grant bail to the accused person.

Accordingly, the bail petition is considered and rejected.

To 25.11.2024 for production of accused petitioner namely Debaprasad Bag @ Suman and cross examination of PW-1 (VG) and PW-3.

Return the C.D.

Dict. & Corr. by me

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.
(in-charge)

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.
(in-charge)