

POCSO 29/2019 (R-29-2019)

Order No.41, 19.06.2021

Today stands fixed for production of the accused persons namely, Bhola Das @ Bhola, Goutam Das @ Naru @ Sagar and Mithu Roy @ Rubina Bibi .

They are produced from MCCH through virtual mode and remanded to JC till 02.07.2021.

A bail petition is filed on behalf of Mithu Roy @ Rubina Bibi .

Copy served.

The bail petition is taken up for hearing.

Ld. Counsel appearing on behalf of the petitioner submits that the accused has been languishing in custody since 16.04.2021. He further submits that the petitioner/ accused is the mother of the victim girl and has been falsely implicated in this case. Accordingly, he prays for bail for the accused/petitioner on any terms and conditions in this pandemic situation.

Ld. Spl. PP strongly opposes to the prayer for petitioner.

Perused the case record and CD.

Heard both sides.

It transpires from the case record and case diary that on remarks of the Hon'ble High Court, Calcutta passed in CRM NO. 1525 of 2021, bail petition of Bholanath Das u/s 439 of Cr.PC in which the Hon'ble Justice raised question and in this connection the mother of the victim girl namely, Mithu Roy @ Rubina Bibi is apprehended. The victim girl is only 15 years old and is a victim of aggravated penetrative sexual assault. The statement recorded u/s 164 Cr.P.C also corroborated with the written complaint.

Considering the gravity and heinousness of the crime and materials on record, the prayer for bail is considered and **rejected**.

Bail petition is thus disposed of.

CD be returned.

To 02.07.2021 for production.

D/C by me.

A.S.J

Additional District & Sessions Judge,
2nd Court, Paschim Medinipur

Contd.....Order No.05, dt. 07.02.2019

The bail petition is taken up for hearing.

Ld. Counsel appearing on behalf of the petitioner submits that the accused has been languishing in custody since 26.01.2019 and there is allegation of sexual assault only against the accused and there is no scope of absconsion and in any suitable terms and condition his prayer for bail may be granted.

Ld. Spl. PP strongly opposes to the prayer for petitioner and submits that the victim was aged about 15 years who was subjected to sexual assault by the accused who has extra marital affairs with the mother of the victim and she was treated after the incident and the investigation is at very initial stage and the prayer for bail is liable to be rejected.

It transpires from the case record that the complaint was lodged on 22.01.2019 for the alleged commission of sexual assault upon the minor victim aged about 15 years on 20.01.2019 and she was also physically assaulted. After carefully perusing the statement u/s 164 Cr.P.C of the victim vis a vis the injury report of the victim as well as nature and gravity of the offence and stage of investigation the prayer of the petitioner is rejected.

Bail petition is thus disposed of.

CD be returned.

To 18.02.2019 for production and IO's report.

CD be called for on the next date.

D/C by me.

A.S.J

*Additional District & Sessions Judge,
2nd Court, Paschim Medinipur*