

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
2ND COURT, PASCHIM MEDINIPUR
ESPECIALLY DESIGNATED UNDER THE PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES ACT, 2012**

**POCSO Case No.29 of 2019
R.No.29 of 2019
CNR No. WBWM01 003033 2019**

Order No.73.
20.09.2023.

Accused Goutam Das @ Naru @ Sagar, Bhola Das @ Bhola and Mithu Roy @ Rubina Bibi are produced from MCCH.

No witness is present.

All the three accused persons prayed for bail.

Learned Counsel for the accused Goutam Das @ Naru @ Sagar submits that he is in custody since 29-09-2020. There is no incriminating materials against him. The victim girl has not supported the prosecution case. All witnesses have been examined except the Investigating Officer. Trial is not progressing. He may be released on bail.

Learned Counsel for the accused Bhola Das @ Bhola and Mithu Roy @ Rubina Bibi submits that they are in custody since long. The Investigating Officer neither can improve the prosecution case nor can destroy. His bail prayer was rejected by the Hon'ble Court before framing of charge. They are innocent and they have been implicated in this case falsely.

Learned Special Public Prosecutor opposes the bail prayer and submits that bail prayer of accused Bhola Das @ Bhola was rejected by the Hon'ble High Court. There was no latches on the part of the prosecution.

Evidence of the victim girl and other witnesses have been recorded. Only the Investigating Officer is required to be examined. In spite of giving opportunities, the prosecution could not produce the witness. The bail prayer of accused Bhola Das was rejected by the Hon'ble High Court before recording the evidence of the vulnerable witnesses. There is no possibility of tampering evidence any more as the victim has already deposed before this Court. Victim has not supported her earlier statement during her deposition. Detention of the accused persons for the interest of trial is no more required. Therefore, their prayer for bail is allowed. They may furnish bail bonds of Rs.2,000/- each with two sureties of Rs.1,000/- each to the satisfaction of learned C.J.M. Paschim Medinipur. If they fail to furnish the bond they shall be in custody till the next date.

Fix **29.11.2023** for production/appearance of accused persons and evidence of Investigating Officer.

Prosecution is to take steps.

Dictated & corrected by me,

Special Judge

Special Judge under POCSO Act,
A.S.J. 2nd Court, Paschim Medinipur
J.O. Code No. WB00715