

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

**POCSO Case No.34/2022
R.No. 35/2022
C.N.R. No. WBWM01-003645-2022**

**Order No. 32
16.03.2024**

Accused Sk. Anowar @ Sk. Anowar Ali is produced from judicial custody.

Victim girl is present with her mother. Interpreter Mr. Pratik Dutta is present.

As per the statement of the interpreter, the victim cannot understand anything. She is neither saying anything nor showing by sign.

The victim could not say and understand anything and as such her evidence could not be recorded. LTI of the victim is taken on separate sheet and kept in a sealed envelope.

No other witness is tendered by the prosecution.

Bail petition filed by the accused is taken up for hearing.

Learned Defence Counsel submits that accused is in custody since 24.04.2022. The victim has been examined today. She did not implicate the accused in any manner. There is nothing in the medical report. There is no possibility of tampering and hampering evidence. He shall not abscond. He may be enlarged on bail imposing any terms and conditions.

Learned Special Public Prosecutor raises objection and submits that other witnesses are yet to be examined. The victim is a special child.

The FIR was lodged by the mother of the victim by guess. She was not an eye-witness to the incident. The victim can neither speak nor capable of speaking by sign language. She was unable to explain anything regarding the alleged incident. She even could not identify the accused during her deposition. There was no other eye-witness to the incident. Therefore, the detention of the accused for the interest of trial is no more required. Therefore, his prayer for bail is allowed. Accused Sk. Anowar @ Sk. Anowar Ali may furnish bail bonds of Rs.2,000/- with two sureties of Rs.1,000/- each to the satisfaction of learned C.J.M. Paschim Medinipur. If he fails to furnish the bonds he shall be in custody till next date. If he is on bail he shall not make any contact with the victim girl or any other witnesses of this case. If any complaint in this regard is received, his bail may be cancelled.

Fix **03.06.2024 & 06.06.2024** for production/appearance of the accused and evidence for the prosecution.

Prosecution is to take steps.

Dictated & corrected by me,

Special Judge

Additional District & Sessions Judge,
2nd Court, Paschim Medinipur
Special Court under POCSO Act.
J.O. Code No. WB00715