

**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.156/2023
R.No. 156/2023
CNR No. WBWM01-009048-2023**

**Order No.02
20.09.2023.**

Accused **Avijit Dolai** is produced from judicial custody.

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

Learned Defence Counsel submits that accused is in custody since 10.09.2023. The girl and the boy had love affair. The girl has attained majority. As per Matriculation Certificate her date of birth is 12.08.2005. The girl voluntarily left home. He has committed no offence. He has been implicated in this case falsely. He may be enlarged on bail imposing any terms and conditions.

Learned Special Public Prosecutor raises objection and submits that as per certificate of birth she is a minor and her date of birth is 26.01.2007. The girl has refused to undergo medical examination.

Perused the original Matriculation Certificate produced by the learned defence counsel. It is handed over to the Court for perusal and returned. Copy of the Matriculation Certificate is not retained to protect the identity of the victim girl. As per Matriculation Certificate on the date of incident she was more than 17 years.

There was an affair between the victim girl and accused. The circumstances of the case do not indicate that the girl was taken away by applying any force or misrepresentation of fact. Taking into consideration the allegation made in the F.I.R. and the statement of the victim girl recorded u/s 164 of Cr.P.C., this Court is of the view that further detention of the accused is not required for the interest of the investigation. Therefore, his prayer for bail is allowed. He may furnish bail bond 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 bond he shall be in custody till the 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 **04.10.2023** for production/appearance of the accused person and I.O.'s report.

Dictated & corrected by me,

Special Judge

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