Bail Application No.52/2018

27.08.2018

In pursuance to order dated 21/08/2018, the case diary is placed before me.

Through petition No. 768/2018 the bail petitioner Sri Nanigopal Dutta prayed for pre-arrest bail, in connection with Sapekhati P.S. Case No. 28/2018 registered U/S 8 POCSO Act.

I have heard both sides. Considered materials on the case diary. In this case the FIR reavels that the alleged incident took place while the deaf and dumb minor daughter of the informant went to the shop of the accused.

I have considered the statements recorded U/S 161 Cr.P.C. It is submitted that accused is suffering from brain haemorrhage and also from gall bladder related aliment. I have consider the placed medical documents, with this case and did not find any material that accused is suffering from brain haemorrhage etc. Considering the incriminating materials on the case diary this court is with the opinion that without proper document benefit U/S 438 Cr.P.C. can't be granted on medical ground. Further considering all aspects in opinion of this court this court did not find any ground to grant previledge U/S 438 Cr.P.C. to the bail applicant. Accordingly the bail petition is rejected. Send back the case diary.

22/8/18

Additional Sessions, Judge Charaldeo, Sonari