

POCSO Case No.33/2023

**Present :- Sri Mukul Kumar Kundu,
Additional District & Sessions Judge,
3rd Court, Sadar, Cooch Behar,
In-Charge of Judge Spl.(EC Act)-Cum-
Addl. Dist. & Sess. Judge, 2nd Court, Cooch Behar.**

Order No.08, dated 31.01.2024 :-

Today is fixed for production of accused Jasimuddin Mia.

Accused Jasimuddin Mia is produced from J/C and remanded to further J/C till 13.02.2024.

Ld Special P.P in charge and Ld advocate for above accused are present.

A petition along with copy of medical papers of mother of accused and copy of FIR lodged by the wife of accused are filed on behalf of accused Jasimuddin Mia praying for bail on the ground stated therein.

The bail petition filed on behalf of accused Jasimuddin Mia is taken up for hearing.

Heard both sides.

It is submitted by Ld Advocate appearing for accused Jasimuddin Mia submitted that accused is an innocent and has been falsely implicated in this case as prior to lodging this case his wife lodged another case. He further submits that accused is in custody since 19.01.2024 and his mother is seriously ill so he prays for bail on any terms and conditions.

It is further submitted by filing an affidavit that no such bail petition u/s-439 Cr.P.C is pending or rejected before/by the Hon'ble High Court Calcutta, Circuit Bench at Jalpaiguri.

Ld Special P.P in-Charge opposes the bail prayer.

Perused the case diary and other materials on record.

On perusal of the case diary and statement of victim girl recorded u/s-164 Cr.P.C that there is an allegation of offence u/s-354/323 of IPC read with section 12 of POCSO Act against five accused persons out of which four accused persons are already on bail and this accused person is in custody since 19.01.2024 when he voluntarily surrendered before this court. There is no prayer for further custody is made by the I.O for the purpose of investigation till now and therefore the bail prayer of the accused may be allowed.

Considering all aspects and detention of accused Jasimuddin Mia since 19.01.2024 I am inclined to enlarge the accused on bail. Hence, prayer for bail of the above accused Jasimuddin Mia is allowed.

Accordingly, accused Jasimuddin Mia shall be released on bail on furnishing bond of Rs.3000/- with two registered sureties of Rs.1500/- each on condition not to threat or induce the victim or her family during investigation until further order subject to satisfaction of Ld Chief Judicial Magistrate, Cooch Behar, i.d to J/C till 13.02.2024. If on bail to date 08.04.2024 for I.O's report.

If bond furnished by the above accused as ordered Ld Chief Judicial Magistrate, Cooch Behar shall release the above accused at once.

Let the C.D be returned.

To date (08.04.2024) for I.O's report.

Contd.....

Contd. Order No.08, dated 31.01.2024 :-

Let a copy of this order be sent to the Ld Chief Judicial Magistrate, Cooch Behar for information and necessary action.

Dictated & Corrected,

Judge POCSO Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar, I/C

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar, I/C
JO Code No. WB 00654