

**Special Case 13 of 2024**  
**CNR-WBBK090001802024**

In connection with Taldangra P.S. Case no. 58/2024 dated 28.05.2024  
U/s 363/365/120B of IPC adding section 4/6 of POCSO Act .

**Order No. 07**  
**Dated 24.07.2024**

Today is the date fixed for hearing of the bail petition dated 12.07.2024 filed on behalf of accused person namely, Rajib Layek @ Pachai.

Ld. Advocate for the said accused person is present.

Ld. Special Public Prosecutor In-charge of this case is present.

Ld. Advocate for the said accused person has submitted that, this accused person has been in custody since 22.06.2024. He has further submitted that, in this case FIR was lodged under sections 363/365 of IPC and subsequently on the prayer of I.O. of this case section 4 and 6 of the POCSO Act and 120 B of IPC were added. He has further submitted that, during prayer for adding aforesaid sections before the Ld. A.C.J.M, Khatra I.O. of this case prays for adding section 120B of IPC against this accused person, and there are no any allegations against this accused person for commission of offence under the POCSO Act. He has further submitted that, this accused person has been falsely implicated in this case. He prays for enlarging this accused person on bail on any conditions.

Ld. Special Public Prosecutor of this case has vehemently opposed the bail prayer of this accused person, and submitted that from the material on records specially the recorded statement U/s 161 Cr.P.C of the victim, it is clear that there are allegations against this accused person for commission of the offence punishable Under section 17 of the POCSO Act under which prescribed punishment is similar to the alleged commission of the offence under section 4 and 6 of the POCSO Act. He has further submitted that in this case investigation is still going on. He prays for rejecting the bail prayer of this accused person.

De facto complainant and victim of this case are present before this court and on asking they submit that they do not have any objection if this accused person be enlarged on bail.

I have heard the submissions of the Ld. Advocate for said accused person, Ld. Special Public Prosecutor In-charge of this case and perused the records including CD. From the records, it is revealed that, in this case FIR was lodged U/s 363/365 of IPC, and at subsequent stage section 4/6 of the POCSO Act and section 120B of IPC were added. From the records it is revealed that this accused person has been in custody since 22.06.2024. From the records, it is revealed that on the date of the alleged incident victim was 13 years 7 months old. From the records, specially the recorded statement U/s 161 Cr.P.C of the victim, recorded statement U/s 164 Cr.P.C of the victim and parents of the victim, it is revealed that there are allegations against this accused person for commission of the offence punishable Under section 17 of the POCSO

Act, and under section 120B of IPC. It is also revealed from the records that, in this case investigation is still going on. With above observations, and considering the materials on records specially the age of the victim, nature of allegations against this accused person and early stage of this case, I am of the view that it will not be justified to enlarge this accused person on bail at this stage, hence the bail petition dated 12.07.2024 filed on behalf of the accused person namely Rajib Layek @ Pachai is rejected.

Let CD be returned.

To date (30.07.2024) for production of the accused persons in custody namely Rajib Layek @ Pachai and Rana Layek @ Lulka, and I.O. report.

D/C by me.

Judge, Special Court

Judge, Special Court  
Khatra, Dist.- Bankura  
(Under POCSO Act)  
J.O. Code WB01399