

POCSO Case No. 02 of 2024

**Present :- Sri R. P. Ray , Addl. Sessions Judge, F.T.C., Sadar Cooch Behar,
In-charge of Judge POSCO Court-Cum- Addl. Dist. & Sess. Judge,
2nd Court, Cooch Behar. JO Code No. : WB00899**

Order No.17, dtd. 16.04.2024 :-

Today is fixed for production appearance, charge and hearing of bail petition in respect of accused Majida Bibi.

Accused Majida Bibi and Fayjar Hossain @ Firoj Islam are produced before this Court and remanded to J/C till 30.04.2024.

Accused Najir Hossain, Saiful Hoque, Fajila Bibi and Aklima Bibi on court bail are present by filing hazira.

Ld. Spl. P.P. in charge and Ld. lawyers for the accused persons are present.

Now the bail petition filed on behalf of accused Majida Bibi is taken up for hearing in presence of both sides.

Perused the petition and other materials on case record.

Heard Ld. Advocate for the accused.

Also heard Ld. Spl PP in charge who raises vehement objection against the instant petition on the ground that accused Majida Bibi has played a very pivotal role in the commission of the offence and hence, her bail prayer should not be allowed to ensure fair trial.

Ld. Advocate on behalf of the accused Majida Bibi, on the other hand, submits that the accused had applied for bail u/s 438 of CrPC and the moment the same was rejected, she surrendered in Court on 19.03.2024 and since then she is in custody. It is further submitted on behalf of accused Majida Bibi that barring principal accused, all other co-accused persons have been granted bail and this case has been incarcerated for about a month, she has her ailing and bed ridden husband and son who is also suffering from various ailments in her home and they need her by their side. Accordingly, Ld. Advocate rays for bail of accused on any condition.

It appears from the case record that notice of bail application has been served upon the defacto complainant/victim girl and none appears on behalf of the defacto complainant/victim girl.

Perused the materials in CD wherefrom it is found that the investigation has been completed and other co-accused persons are on bail and considering the materials in CD and also considering the period of detention of the above accused Majida Bibi and that she is an aged woman, I am inclined to enlarge this accused Majida Bibi on bail, accordingly, she may find bail of Rs. 4,000/- with two registered surety of Rs. 2,000/- each to the satisfaction of Ld. Chief Judicial Magistrate, Cooch Behar with condition not to leave the jurisdiction of this Court without informing the I.O. and not to try to be in touch with the defacto complainant/victim girl and her family member in any ways, id., to H/C till date.

If on bail, 30.04.2024 for production appearance and charge.

Accused persons who are on court bail shall remain present on the date fixed.

Let CD be returned.

Dictated & Corrected,

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

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Cooch Behar, I/C