

POCSO Case No. 02/2024

**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.04, dated 31.01.2024 :-

Today is fixed for production and I.O's report.

Both the accused persons namely, Faijar Hossain @ Firoj Islam and Najir Hossain are produced before the court from J/C and further remanded to J/C till 13.02.2024.

A bail petition is filed on behalf of accused Najir Hossain praying for bail on the ground stated therein but no bail petition is filed on behalf of accused Faijar Hossain @ Firoj Islam.

Ld Special P.P in charge and Ld Defence Counsel are present.

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

Heard both sides.

Ld Advocate for the accused Najir Hossain submits that accused is no way connected with this case and he is languishing jail since long. He further submits that FIR was lodged after lapse of some days without any explanation of delay and the accused is an aged person who has his hearth and home within the jurisdiction of this court. Therefore if the accused is enlarged on bail he will not flee away and face the trial.

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

Ld Special P.P in charge submits that there is allegation of assault against the accused Najir Hossain who is not principal accused of this case so necessary order may kindly be passed.

Perused the case diary and other materials on record.

On perusal of the case diary and statement of victim girl recorded u/s- 161 and 164 Cr.P.C it appears that this is a case u/s-363/365/366A/328/506/120B IPC read with section 4 of POCSO Act and 9/10/11 Prohibition of Child Marriage Act and the main allegation is against accused Faijar Hossain @ Firoj Islam who is also in custody but there is only allegation of assault upon V.G for Child Marriage is against accused Najir Hossain who is in custody since 10.01.2024. There is no prayer for further custody of accused Najir Hossain is made by the I.O

for the purpose of investigation till now and therefore the bail prayer of the accused Najir Hossain may be allowed.

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Order No.04, dated 31.01.2024 :-

Considering all aspects and detention of accused Najir Hossain since 10.01.2024 I am inclined to enlarge the accused on bail. Hence, prayer for bail of the above accused Najir Hossain is allowed.

Accordingly, accused Najir Hossain shall be released on interim bail on furnishing bond of Rs.4000/- with two registered sureties of Rs.2000/- each on condition to meet with the I.O once in a week for next two months or till submission of charge sheet whichever is earlier and also on condition not to enter the area/jurisdiction of the police station where victim girl resides and on condition not to interfere with the life and liberty of the victim and also 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. Violation of the conditions in this regard would automatically abrogate the liberty so given, if and when approached by the victim girl or/and State.

If bail bond as ordered furnished on behalf of above accused Najir Hossain, Ld Chief Judicial Magistrate, Cooch Behar shall release him from this case.

Let the C.D be returned.

To 13.02.2024 for production and I.O's report.

Let a copy of this order be sent to the Ld Chief Judicial Magistrate, Cooch Behar and I.O of this case through O.C Pundibari P.S 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