

POCSO Case No. 02 of 2024

**Present :- Sri Mukul Kumar Kundu, ADJ 3rd Court, Cooch Behar,
In-charge of Additional Dist & Sess. Judge, 2nd Court, Cooch Behar.**

Order No.11, dtd. 21.03.2024 :-

Today is fixed for production and E/R.

Accused Majida Bibi and Fayjar Hossain @ Firoj Islam are produced before this Court and remanded to J/C till 04.04.2024.

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

Two separate bail petitions on behalf accused Majida Bibi and Fayjar Hossain @ Firoj Islam are filed praying for bail on the ground stated therein. One fresh vokatnama on behalf of accused Majida Bibi is filed.

Copy served.

Ld. P.P. in charge and Ld. Defence Counsels for the accused persons are present.

Both the bail petitions are taken up for hearing in presence of both sides.

Ld. Counsel on behalf of accused Fayjar Hossain @ Firoj Islam submits that accused Fayjar Hossain @ Firoj Islam is in custody since long and has been falsely entangled with the case and if he is enlarged on bail he will not flee away and prays for bail imposing any terms and conditions. Ld. Counsel on behalf of accused Majida Bibi submits that accused Majida is a female accused and she has no involvement in the alleged offence and she may be enlarged on bail in any terms and condition.

Ld. Spl PP in Charge opposed the bail prayer of both the accused persons considering the nature of offence.

Perused. Heard both sides in respect of the bail matter.

Having heard the submissions of both sides as well as the materials on CD and statement of victim girl recorded u/s 164 of CrPC I find that there is sufficient materials for the allegation of sexual offence against the accused Fayjar Hossain @ Firoj Islam and there is also sufficient materials for instigation in the alleged offence against the against accused Majida Bibi who is in custody since 19.03.2024. Apart from that charge sheet has already submitted u/s 363/365/366A/328/506/120B of IPC r/w section 4 of POCSO Act and 9/10/11 of Prohibition of Child Marriage Act against these accused persons who are in custody for the offence u/s 363/365/366A/328/506/120B of IPC r/w section 4 of POCSO Act and 9/10/11 of Prohibition of Child Marriage Act. In this situation if both accused persons are released on bail there is every chance of hampering the trial.

Considering all aspect and nature of the offence as alleged against these two accused persons namely Majida Bibi and Fayjar Hossain @ Firoj Islam and materials on case record I am not inclined to enlarge the accused Majida Bibi and Fayjar Hossain @ Firoj Islam on bail. Hence, prayer for bail of both the accused persons namely Majida Bibi and Fayjar Hossain @ Firoj Islam stands rejected.

Copy is ready and supplied to the accused persons.

Let the CD be returned.

To date (21.03.24) for production, appearance and charge.

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