

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.13, dtd. 03.04.2024 :-

Today is fixed for production appearance and charge.

Accused Majida Bibi and Fayjar Hossain @ Firoj Islam are produced before this Court and remanded to J/C till 16.04.2024.

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

A bail petitions on behalf accused Majida Bibi is filed praying for bail on the ground stated therein.

Prisoner petition dated 28.03.2024 of accused Majida Bibi forwarded by Superintendent of Cooch Behar Correctional Home praying for bail along with a letter of Secretary DLSA, Cooch Behar with resolution of UTRC dated 27.03.2024 were received on 01.04.2024.

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 as well as prisone's petition are taken up for hearing in presence of both sides.

Ld. Counsel on behalf of accused Majida Bibi submits that she an aged woman and has been falsely implicated in this case. He further submits that she has no involvement in the alleged offence and is in custody since 19.03.2024 after surrender before the Court, so she may be enlarged on bail in any terms and condition.

Ld. Spl PP in Charge opposes the bail prayer of accused Majida Bibi considering the nature of offence.

Perused the case diary as well as materials on case record and submissions.

On perusal of the case diary as well as statement of the victim girl recorded u/s 164 of CrPC and medical report I find that there is sufficient incriminating materials for direct involvement of the alleged offence against accused Majida Bibi and charge sheet has already been submitted for the offence u/s 363/365/366A/328/506/120B of IPC. Moreover, the nature of offence is serious and on previous occasion the bail petition u/s 438 of CrPC in respect of accused Majeda Bibi was rejected by this Court in Bail Petition No. 396/2024. Therefore, if the accused is released on bail at this stage there is every chance of hampering the trial of the case.

Considering all aspect and serious nature of the offence I am not inclined to enlarge the accused Majida Bibi on bail. Hence, prayer for bail in respect of accused Majida Bibi stands rejected.

On the prayer of the prosecution the charge hearing is deferred and following date is fixed for consideration of charge.

The bail petition along with prisoner's are hereby dispose of accordingly.

Let the CD be returned.

To 16.04.24 for production, appearance and charge.

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

Inform the Secretary, DLSA, Cooch Behar with reference to his letter No. 495(35/A1/IV)DLSA, dated 28.03.2024.

Dictated & Corrected,

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

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