

POCSO Case No. 49 of 2024

Present :- Nayyar Azam Khan, ADJ 1st Court (NDPS) , Sadar Cooch
Behar, in charge of Addl. District & Sessions Court,
2nd Court Cum (POCSO Court), Cooch Behar.

Order No. 04 dated 13.08.2024:-

To day is fixed for production, bail hearing and I.O.'s report.

Accused namely Somnath Shil is produced before this Court.

Ld. PO is on leave. I am in charge of this Court.

No I.O.'s report is received.

Ld. Spl. PP in charge and Ld. Advocate for the accused are present

Now, the bail petition is taken up for hearing in presence of both sides.

Ld. Counsel on behalf of the accused person submits that accused has been falsely implicated in this case, and that he is innocent and poor. He further submits that accused is the husband of the victim and that he is living happily with the victim and have a child and that the case has been lodged against him only to harass him. Ld advocate further submits that if the accused is enlarged on bail he will not flee away and attend the court regularly and prayed for bail on any terms and conditions.

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

Perused the case record and CD as well as the submissions.

Perused the CD and the statement of the VG and other witnesses u/s 164 of CrPC and 161 of CrPC.

Victim girl is present and she is heard on dock and she stated that she is happily married to the accused and they have a child and that she has no objection if the accused is enlarged on bail. It is evident that the V.G. had married the accused on her free will though she was underage and that the marriage has been consummated with a child born out of their wedlock. The age of the V.G. at the time of the alleged offence under the POCSO Act was the age of discretion.

Considering all aspects and submissions of both sides as well as VG and also considering the nature and gravity of the offence, I am inclined to enlarge the accused on bail.

Accordingly, the accused person namely Somnath Shil may find bail of Rs. 10,000/- with two registered sureties of Rs. 5000/- each to the satisfaction of Ld. CJM, Cooch Behar. If on bail to 07.11.2024 for appearance id. remanded to J.C. till 27.08.24.

To 07.11.2024 for production/appearance, if on bail and I.O.'s report.

Let a copy of this order be sent to the Ld. C.J.M., Cooch Behar for information and taking 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. WB01302