

POCSO Case No. 21/2021.

**Present :- Sri Shyam Sundar Das,  
Judge Special (EC Act)-Cum-  
Additional District & Sessions Judge-cum-  
Judge POCSO Court, Cooch Behar.**

Order No.03, dtd. 16.08.2021 :-

Accused Bikram Barman is not physically produced before the court.

Bail petition is filed on behalf of accused and that is moved by Ld Counsel praying for bail on the ground that accused petitioner has been falsely implicated on the basis of concocted story as it is reflected from the petition itself.

Ld Counsel also invited my attention towards inherent defect of the case stating inter alia that Ld CJM, Cooch Behar without having any jurisdiction ordered for investigation in a POCSO Case on a petition u/s-156(3) Cr.P.C. Ld Counsel emphatically argued that the entire process is wholly legal.

Heard Ld advocate.

Also heard Ld P.P who submitted that whatever be the fact is as regards the process of starting the case on the basis of a petition u/s-156(3) Cr. P.C but fact remains that the victim girl (X), changed name aged about 14 years has been the prey of the lust of the accused petitioner and she has been sexually ravished and therefore, the fact squarely comes within the provision of the POCSO Act and so far as the materials in the C.D is concerned there is sufficient materials against the accused petitioner for the offence u/s-4 of POCSO Act and as such he should not be released on bail.

Heard both sides at length.

Perused the entire case record and the allegations in the complaint lodged by the father of the victim girl. Also perused the C.D including the medical report and 164 statement of the victim girl and at this stage I do not think that it is a fit case where the accused should be enlarged on bail and accordingly prayer for bail of the accused stands rejected.

C.D be returned.

To 27.08.21 for production of the accused and I.O's report.

At this stage, I.O files a petition praying for holding capability test of the accused Bikram Barman, aged about 22 years, S/o- Nityananda Barman of Madhya Haldibari, P.O + P.S – Kumargram, District-Alipurduar.

Heard Ld P.P as well as I.O.

Considered.

Prayer of I.O for conducting capability test of the accused person namely Bikram Barman is allowed.

Superintendent-Cum-Vice Principal of Government Medical College and Hospital, Cooch Behar is requested to hold capability test of the accused after his production and identification before him according to law and submit report.

Superintendent of Correctional Home Cooch Behar is requested to produce the accused before Superintendent-Cum-Vice Principal of Government Medical College & Hospital, Cooch Behar through I.O of this case for capability test.

Let a copy of this order be sent to the Superintendent-Cum-Vice Principal of Government Medical College & Hospital, Cooch Behar, Superintendent of Correctional Home Cooch Behar and I.O of this case for their information and compliance.

To date (27.08.21) for production and I.O's report.

Dictated & Corrected,

Sd/-S.S.Das  
Judge POCSO Court-Cum-  
Addl. Sess. Judge, 2nd Court  
Cooch Behar

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JO Code No. : WB00634

