

POCSO Case No. 79 of 2024

Present :- Sri R. P. Ray, ADJ, FTC, In Charge of
A.D.J., 2nd Court, Cooch Behar.

Order No. 04,

Dt. 02.12.2024

Today the case is fixed for production, IO's report and hearing of bail petition.

Accused Asraful Miya is produced from J/C.

Ld. Special PP on behalf of the State, Ld. Advocate on behalf of the accused are present.

Notice upon the VG served and VG is present who raised no objection regarding the prayer for bail or accused/petitioner.

Ld. Advocate on behalf of the accused/ petitioner submits that the present petitioner has falsely been implicated in this case which will be revealed at the time of trial and had prayed for granting bail in favour of the petitioner contending inter alia that petitioner is the husband of the victim and that he is living happily with the victim and have children. Ld advocate further submits that if the he is enlarged on bail he will not flee away and attend the court regularly and prayed for bail on any terms and conditions.

Learned advocate for the accused further submits that no bail application of the accused/petitioner is filed, pending or disposed of by any higher forum.

Ld. APP on behalf of the State raised feeble objection as VG of this case raised no objection with regard in granting bail the the petitioner.

Victim girl is present and she is heard on dock and she stated that she is happily married to the principal accused and they have children and that she has no objection if the accused/petitioner is enlarged on bail.

Perused the CD, statement of VG recorded u/s 183 BNSS where the VG gave a clean chit to the accused describing him as her husband and father of her children. The VG has not subjected to any medical examination by herself.

Perused the observation of the Hon'ble High Court, Calcutta in Ranjit Rajbanshi Vs. State of West Bengal and others reported in **2021 SCC Online Cal 2470**.

Considering all aspects and submissions of both sides as well as VG and also considering the nature and gravity of the offence, I am of the opinion that for the purpose of investigation custodial detention of the petitioner is not required and this is the fit case to grant bail to the accused/petitioner.

Accordingly, the prayer bail of the petitioner is allowed. The accused/petitioner may find bail of Rs. 2,000/-with two sureties of Rs. 1,000/- each, to the satisfaction of Ld. C.J.M., Cooch Behar.

To 12.02.2025 for appearance and IO's report.

Accused is remanded to J/C till 12.02.2025.

C.D. be returned.

A copy of this order be forwarded to the Ld. CJM, Cooch Behar for information and facilitating submission of bail bonds.

Another copy be sent to the IO of this case for information and necessary action.

Dictated & Corrected,

Sd/-

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

Sd/-

Judge POCSO -Court-Cum-
Addl. Sess. Judge, 2nd Court
Cooch Behar, I/C
JO Code No. WB 00899