

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, DINHATA

Present : Sri Mahananda Das, (J.O. Code : WB00626)
Additional Sessions Judge, Tufanganj in-charge of
Additional Sessions Judge, Dinhata.

Bail Application No. 46 of 2026
CNR No. WBCB-05-000 151 -2026
Arising out of G.R case no. 505 of 2014

COPY OF ORDER

Order No. 02,
Dated : 16-03-2026

This is an application under section 439 of Cr.P.C filed by the accused/petitioner **Manik Roy** in connection with G.R Case No. 505 of 2014 corresponding to Dinhata P.S Case No. 450/2014, dated-27-04-2014, under sections- 363/366/376 of IPC.

Ld. Advocate for the accused submitted that the accused is falsely implicated in this case and he is innocent. Ld. Advocate for the accused further submitted that the accused is in judicial custody for considerable period and he may be released on bail. Ld Advocate for the accused further submitted that no bail application has been filed or pending before the Higher court.

Heard Ld. P.P in-charge who raises objection.

Perused the case diary. Perused the case record wherefrom it reveals that accused Manik Roy was arrested and produced before the Court of Ld. ACJM-1st Court, Dinhata on 26-05-2014 and by dint of the order as passed in Cr. Misc Case No. 99/2014 the instant accused person was granted bail and the same is reflected in order no. 15 as passed by the Ld. ACJM-1st Court Dinhata. From the case record it reveals that the order no. 12 dated 26-08-2014 it reflects that while the instant accused person was in judicial custody charge-sheet was submitted vide No. 643/2014 dated 31-07-2014 as against six accused persons including the instant accused person and five other accused persons, namely, Chutku Roy, Sadhan Roy, Lalu Roy, Ram Chandra Roy and Suren Roy for the offence as punishable under sections 363/366/376 of IPC. The order no. 21 dated 28-11-2014 of the case record it also reveals that the I/O of this case submitted a prayer for adding section 6 of POCSO Act and from order no. 24 dated 16-12-2014 it reveals that the said prayer of the I/O for adding section 6 of POCSO Act could not be heard as supplementary case record was not produced by the I/O. From order no. 51 dated 09-02-2026 it reveals that the instant accused person was brought under arrest and he was produced before the Court of Ld. ACJM, Dinhata. From order no. 1, dated 13-03-2026 of Sessions Case No. 39/2026 it reveals that the G.R Case 505/2014 which was initiated by dint of Dinhata P.S Case No. 450/2014 dated 27-04-2014. It is also to be noted that this very Court took cognizance after commitment on 13-03-2026. From the statement of victim child girl as recorded under section 164 of Cr.P.C on 10-05-2014 clearly speaks that the I/O should have prayed for adding concerned section under the POCSO Act as the alleged offence took place after the POCSO Act came into existence in the year 2012. From the statement of said victim girl child as recorded under section 164 of Cr.P.C it also reveals that the concerned section of the Prohibition of Child Marriage Act also comes into play. However, this is not the high time to consider the same as the same will be consider at the time of consideration of charge.

Considering the fact of misuse of liberty by the instant accused person and as he has been named as the principal accused person by the victim girl child, so the instant bail payer is considered and **rejected**.

This Bail Application thus, stands disposed of.

Return the C/D.

Let a copy of this order be tagged with the Sessions Case No. 39/2026 for future reference.

Dictated & corrected by me,
Sd/-

Additional Sessions Judge,
Dinhata.

Sd/-

Additional Sessions Judge,
Dinhata.