

POCSO Case No. 26 of 2023
POCSO. Trial No. 04 (02) 2024.

Order No. 01 :

Dated: 28-02-2024.

Accused Rafiqul Sheik is produced from the correctional home and remanded to J/C till next date.

Ld. Counsel **Sri Jitendra Mohan Saha** and Ld. Special P.P **Taherul Islam** are also present.

Heard the Ld. Special P.P who opens the case against the present accused and the Ld. Defence Advocates.

Ld. Special P.P submits that there are sufficient incriminating materials against accused Rafiqul Sheik **under section 363/366A of IPC and section 4 of the POCSO Act read with section 376 of IPC** and as such charges may be framed against him for the said offence.

Heard the Ld. Defence Advocate.

Considering the submission of both the sides and having regard to the materials in the C.D and the materials on record, I am of the view that the prosecution has been able to show that sufficient materials have been collected against accused Rafiqul Sheik involving him in the alleged offence **under section 363/366A of IPC and section 4 of the POCSO Act read with section 376 of IPC** for which the trial can be proceeded against him and the present accused presumably be punished accordingly.

Accordingly, charge is framed against the accused Rafiqul Sheik and the contents of the charges are read over and explained to the accused to which he pleaded not guilty by saying '**Ami Nirdosh**' and claimed to be tried.

Formal charge is kept with the record in separate sheet. Trial will proceed on the following schedule.

To 16-05-2024 for evidence of C.S.W. Nos. 1 & 2.

17-05-2024 for evidence of C.S.W. Nos. 3 & 4.

18-05-2024 for evidence of C.S.W. Nos. 5 & 6.

Issue summons to witness accordingly.

Accused as before.

Prosecution is directed to supply the written up summons for issuing & causing service.

At the very outset Ld. Defence Counsel prays for bail of accused Rafiqul Sheik on any condition submitting that he will not abscond and he will face the trial.

The complainant of this case has filed an affidavit to the effect that he has no objection if the accused be released on bail. Let it be kept with the record.

Now the bail petition is taken up for hearing.

Heard both sides.

Perused the bail petition, C/D and materials on record.

Considering the same, prayer for bail is hereby allowed.

Accordingly, accused **Rafiqul Sheik** is enlarged on bail of ₹.2,000/- with one surety of like amount subject to the satisfaction of the Learned A.C.J.M, Dinhata, in default to J/C.

To date.

Dictated & corrected by me,

Sd/-

Judge,
Spl. Court (POCSO)-cum-
Additional Dist. & Sess. Judge,
Dinhata.

Sd/-

Judge,
Spl. Court (POCSO)-cum-
Additional Dist. & Sess. Judge,
Dinhata.