

**In the Board of Principal Magistrate
Juvenile Justice Board
Cooch Behar**

JVTR-23/2026
Dt.09/02/2026

JJB GR No-23/2026
Tufanganj PS Case No:422/2025 dt: 11-07-2025
U/S-06/17 of POCSO Act

1. CCL Umor Ali @ Omar Ali (16+ yrs)

[MOB:7467931089]

Present: Smt. Ananya Dasgupta, Ld. Principal Magistrate, JJB, CBR

Order No-01
Dt-09.02.2026

Received one case record from Tufanganj PS being Tufanganj PS case no 422/2025 dated 11.07.2025 u/s-6/17 of POCSO Act along with C/C of Formal FIR, C/C of Written Complaint, Charge Sheet and other relevant documents from the concern PS.

Received C/C of charge sheet vide No: 543/2025 dated 05.09.2025 u/s-6/17 of POCSO Act against the CCL.

Perused the same. Let it be kept with the record.

CCL is produce today before Ld. Principal Magistrate.

He is taken into safe custody.

Perused the case record and the date of birth of the CCL, it appears that the date of birth of the CCL is on 03-01-2009 and the date of offence is on 11-07-2025 which suggests that he was 16 years 06 months and 08 days old on the date of incident.

As such, he was a child on the date of alleged incident.

Zimmaradar/father of the CCL is present today to take custody of the CCL as a fit person.

Ld. PP-in-charge is present. No members are present due to dissolution of earlier Board on 19.10.2025.

The case is received and registered in the trial register.

Ld. Advocate files a bail petition along with fresh vokalathnama by her guardian/father on behalf of the CCL and submits that there is no bail application filed in respect of the CCL before the Hon'ble Upper Court nor there is any rejection of bail application in respect of the CCL by the Hon'ble Upper Court. Thus Ld. Advocate for the CCL submits for bail on any terms and condition.

Now the record is taken up for bail hearing.

Heard submission of Ld. Advocate for the CCL as well as the Ld. PP-in-charge.

Ld. PP-in-Charge raised strong objection.

I am interacted with the CCL at full length and also rendered him proper counseling and scrutinized the record, considered all submissions.

Zimmaradar/Father of the CCL submits that he is ready to take custody of the CCL as a fit person and undertakes to ensure his safety and security.

Considering all aspects, we are of view that the safety, security & welfare of above mentioned CCL shall be ensured if he is placed in the protective custody of her guardian/father.

As such bail prayer of the CCL stands allowed on A.I basis.

Zimmaradar/father of aboved mentioned CCL is declared fit person and the custody of CCL is entrusted upon him, if not wanted in any other case.

Zimmadar/father of the CCL shall furnish guardian bail bond of Rs. 1000/- upon condition to ensure safety, security and welfare of the CCL at all times; CCL is directed not to enter into the local area of the victim or not enter into the Place of occurrence, not to contact in any fashion the family of the victim or visit their house, ensure not to make any association with bad character persons or para people or to any person acquainted with the facts of the to dissuade him from disclosing to the case so as such fact to the Board or Investigating Officer/any Police Officer.

Call for Social Investigation Report from D.C.P.O, Dhubri, Assam within 15 days from date of issue.

Issue Form-5 to D.C.P.O, Dhubri, Assam , Cooch Behar.

Call for Social Background Report from C.W.P.O of Tufanganj PS.

Let a copy of this order be sent to C.W.P.O of Tufanganj PS through O/C of Tufanganj PS for his information and taking necessary action.

D.A to comply.

If on bail, fix **09-03-2026** for appearance of the CCL, SIR, SBR, P.A Report and P.A Hearing.

D/C

Later:

Father/Guardian namely Umar Ali @ Omar Ali of the CCL furnished A.I bail guardian bond of Rs. 1000/- on behalf of the CCL which is found fit, correct and accepted.

Release the CCL at once if not wanted any other case.

To date.

Later:

On perusal of the record it appears that the CCL Umar Ali @ omar Ali is aged about above 16 years but below 18 years on the date of alleged incident. It further appears that the offense alleged against the CCL is u/s- 6/17 of POCSO Act which is heinous in nature as per Juvenile Justice (Care & Protection of Children) Act 2015.

Sec 15 of the said Act mandates Preliminary Assessment with regard to the mental and physical capacity of a child who is above 16 years but below 18 years and is to committee heinous offense and ability to understand the consequences of the offense and circumstances in which he committed the offense.

Therefore, considering all aspects, CCL Umar Ali @ Omar Ali (16+ years) be produced before the Expert Panel constituted vide Government of West Bengal, Dept of Health and Family Welfare bearing Memo no: HFW-27020/1/2019 SFWB SEC(DHS)(HFW)-Dept of H&FW/714 dated 06-06-2019 to assess the capacity of

the child to commit and understand the consequences of the alleged offence.

This assessment parameters shall include the mental and physical capability of the child to commit such alleged offence, ability of the child to understand the consequences of the offence and the circumstances in which he allegedly committed the offence.

The Superintendent of Jalpaiguri Govt. Medical College & Hospital, Jalpaiguri is request to arrange expert panel (consist of Superintendent of District Hospital as Chairperson, Medical Officer as Member, Psychiatrist as Member, Clinical Psychologist as Member) for the purpose of Preliminary Assessment of the CCL on **02-03-2026**. This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence u/s-6/17 of POCSO Act .

Accordingly, The C.W.P.O of Tufanganj PS is directed to produce CCL namely Umar Ali @ Omar Ali (16+ years) before the Expert Panel of M.J.N Govt. Medical College and Hospital, Cooch Behar for Preliminary Assessment and submit the report by next date fixed along with Counselling Report.

Let a copy of this order be sent to M.S.V.P of M.J.N Medical College and Hospital, Cooch Behar for his information and do the needful.

To date.

D/C

Sd/-
**Ld. Principal Magistrate
Juvenile Justice Board
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