

Ghoksadanga PS-529/2023 (Reg. No. GR-61/2023)

CNR No. - WBCB09-000085-2023

J.O. Code - WB01362

Present: Smt. Peden Dukpa, Ld. Principal Magistrate, JJB, CBR

Present: Smt. Runa Ganguly, Board Member, JJB, CBR

Present: Sri. Kamalesh Ch. Biswas, Board Member, JJB, CBR

Order No: 04

Date: 17.11.2023

Date is fixed for production of both the CCL, Counselling report from the CCI, CD and Situation Report from I.O., SIR from DCPO, Cooch Behar.

CCL No-1 is produce from SBSBA, Cooch Behar with proper escort and CCL No-2 is produce from Korok Home, Jalpaiguri with proper escort.

They are taken into safe custody.

Received SIR from DCPO, Cooch Behar in respect of CCL No-1. Perused the same. Let the same be kept with the record.

Ld. P.P. is present. Members of this Board are also present.

Maternal Uncle namely Khairul Haque of the CCL No-1 is present before this Board today and Mother of the CCL No-2 is also present before this Board today and files a fresh vokalathnama.

Ld. Advocate files a bail petition by their guardians on behalf of both the CCLs respectively.

Ld. Advocate for the CCL No-1 submits before the Board that she is presently studing in class-XII and she has her forth comming examination starting from 22.11.2023. To this effect, the Ld. Advocate for the CCL No-1 also submits the photocopy of exam routine, certificate issued by Teacher-in-Charge of Kushiarbari Haleswar High School. Perused the same. Let the same be kept with the record.

Thus the Ld. Advocate for the CCL No-1 submits that she may be kindly released on bail otherwise the studies will get hampered.

CCL No-1 also complained that she cannot concentrate on her studies while staying at Observation Home at SBSBA, Cooch Behar.

Ld. Advocate for the CCL No-2 also prays for bail on any terms and condition.

Heard submission of Ld. Advocate for both the CCLs, the Ld. PP.

Ld. PP opposed the bail prayer.

Perused the record, counselling report by Counselor of Korok Home, Jalpaiguri, SBSBA, Cooch Behar as well as Counselor of this Board, SIR from DCPO in respect of CCL No-1, Cooch Behar, Situation Report filed by the I.O.

Maternal Uncle of the CCL No-1 and Mother of the CCL No-2 stated that they are ready to take custody of the CCLs as a fit person and undertakes to ensure their safety, security & welfare.

Maternal Uncle of the CCL No-1 namely Khairul Haque stated that he resides at Kshenpara, Nishiganj, PS-Mathabhanga, Cooch Behar which is far from the house of the CCL, house of the victim as well as the P.O.

We have scrutinized the record and considered all submissions.

Perused the situation report of the area.

Considering all aspects as well as education of the CCL No-1, we are of view that the safety & welfare of above mentioned CCL No-1 shall be ensured if she is placed in the protective custody of her maternal uncle who resides far away from the P.O.

As such bail prayer of the CCL No-1 is allowed on A.I. basis.

Maternal Uncle /guardian of aboved mentioned CCL No-1 is declared as fit person and the custody of CCL No-1 is entrusted upon him, if not wanted any other case.

Maternal Uncle of the CCL No-1 namely Khairul Haque shall furnish A.I. guardian bond of Rs. 2000/- upon condition to ensure safety and welfare of the CCL at all times; ensure not to make any association with bad character persons or para people and also ensure the studies of the CCL No-1.

CCL No-1 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 and he shall not, directly or indirectly, make any inducement, threat or promise 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.

The maternal uncle of the CCL No-1 is also directed to escort the CCL No-1 to her school on her forthcoming H.S. test examination.

If on bail, fix 03-01-2024 for appearance of CCL who is on A.I. bail and I.O.'s Report/final report.

However, considering all aspects and keeping in mind the welfare of the child, release of the CCL No-2 at the moment can render him psychological and physical danger and the release of the CCL No-2 will defeat the end of justice since the CCL No-2 resides near the house of the complainant as well as P.O.

Hence, the CCL No-2 is remanded to protective custody at Observation Home for safety, security and welfare and also rendered psychological counseling.

As such prayer for bail of CCL No-2 is considered and stands rejected at this stage.

CCL No-2 is remanded to protective custody in Observation Home.

GRO, JJB is directed to make necessary arrangement to produce the CCLs before Superintendent, Korok Home, Jalpaiguri with proper escort, safety & security.

The Superintendent, Korok Home Jalpaiguri is directed to make necessary arrangement for regular counselling of the CCL while in protective custody and forward all reports on the next date fixed positively.

The Superintendent, Korok Home Jalpaiguri is further directed to ensure safety, security of the CCL during his stay at the Korok Home, Jalpaiguri.

Let a copy of this order be served upon the Superintendent, Korok Home Jalpaiguri at once.

Call for CD along with Situation Report by the I.O. on next date fixed positively.

Let a copy of this order be served upon the I.O. through the O/C of Ghoksadanga PS, Cooch Behar at once.

Issue reminder regarding Social Investigation Report in respect of CCL No-2 from DCPO, Cooch Behar by next date fixed positively.

Fix 01-12-2023 for production of the CCL No-2, Counselling report from the CCI, SIR from DCPO in respect of CCL No-2, CD and Situation Report from I.O.

CD be returned.

D/C

Later:

Maternal Uncle of the CCL No-1 namely Khairul Haque furnished A.I. bail bond of Rs. 2000/- on behalf of the CCL No-1 which is found fit, correct and accepted.

Release the CCL No-1 at once if not wanted any other case.

Issue release order at once.

To date.

D/C

Sd/- (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar	Sd/- (Smt.Runa Ganguly) Board Member Juvenile Justice Board Cooch Behar	Sd/- (Shi.Kamalesh Ch. Biswas) Board Member Juvenile Justice Board Cooch Behar	Sd/- (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar
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