

**In the Court of Learned Judge, Under POCSO Act  
Gangarampur at Buniadpur, Dakshin Dinajpur.**

**Spl. Case No. 11/2023**

**JO CODE No. WB-842**

Present- Smt. Melissa Gurung  
Judge under POCSO Act  
Gangarampur at Buniadpur,  
**Dakshin Dinajpur.**

**Reference:- Gangarampur P.S Case No. 207 of 2023 dated 14-05-2023, u/s 06(1) of the POCSO Act**

**Order no. 16 dated 21-07-2023**

Accused Jaidul @ Jahidul Mia and Khursid Mia @ Khurshid are produced from the J.C.

Defacto complainant is present by filing vokalatnama and also files application.

Today is fixed for production and hearing of bail application of the accused.

The bail application is taken up for hearing.

Heard all sides.

The Ld. Defence counsel submits that the accused persons have falsely implicated in this Case because of family property dispute and the accused and the defacto complainant's family are relatives. He also submits that the FIR was lodged after seven Months of the alleged incident without explanation as to the delay and that one of the accused resides in another place and not at the alleged P.O. He also submits that from the investigation report it will be clear that the village salishi took place where demand of one Lakh was made but the accused agreed to pay only Rs. 35,000/-. Another point raised for bail is the fact that the accused has been in custody for a long time.

The Ld. Special.P.P-in-charge objects to the prayer for bail stating that the crime heinous in nature and the perpetrators are cousins/ brother of the victim who took advantage of the nature of the relationship between the parties. He counter argues that the fact that the accused agreed to pay money gives a note of credibility to the alleged incident.

The Ld. Advocate for the defacto complainant submits that even recently the defacto complainant was threatened by the family members of the accused and that in that connection a complaint has been lodged in Gangarampur P.S. There is apprehension that if the accused is released on bail the victim may suffer harm.

From the above submission one fact that arises that is that the victim at present pregnant and that the C.S is submitted. The facts raised by the Ld. defence counsel is matter of defence is to raised at the time of trial and considering that a complaint against the family members of the accused is filed cannot be ignored by this Court.

Therefore, considering the gravity of the offence and other circumstances, I am not inclined to grant bail as there is possibility that the witnesses may be approached and evidence may be tempered despite the fact that the investigation is over.

Therefore, the prayer for bail is considered and rejected.

Supply copies to the accused and the defacto complainant who will received on behalf of the victim. Proper receipt for supply of copy be taken on the record.

Fixing **21-08-2023** for production and consideration of charge.

Dictated & Corrected by

sd/-

Judge, under POCSO Act  
Gangarampur at Budp.  
Dist.- Dakshin Dinajpur.

sd/-

**(Melissa Gurung)**  
**(WB-00842)**

Judge, under POCSO Act  
Gangarampur at Budp.  
Dist.- Dakshin Dinajpur.