

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

**Special Case No. 34 of 2025
CNR No. WBDD05-P000527-2025**

**J.O Code- WB-00842
Present- Smt. Melissa Gurung
Judge, Under POCSO Act
Gangarampur at Buniadpur,
Dakshin Dinajpur.**

Reference: Harirampur P.S Case No. 118 of 2025 dated 12-06-2025.

Order No. 11 dated 26-09-2025

Accused **Bikash Chakraborty @ Raja** is virtually produced from the J.C.

Three (03) accused persons on C.B are present by filing hazira.

Defacto complainant **Manik Pramanik** who is also the accused in this case is present.

Ld. Advocate Mr. Abu Taher Rahaman, files appointment letter to represent the State in this case and he is personally present in Court.

It is seen from the Charge Sheet that one of the accused named in the FIR Rajesh Chakraborty has not been sent up in the C.S. The defacto complainant is made aware of this fact and he verbally raises objection to this fact in Court.

The Ld. Advocate for the defacto complainant files an application praying for time to file Naraji petition. The prayer for time is allowed.

The application praying for bail of the accused **Bikash Chakraborty @ Raja** is taken up for hearing.

Heard all the sides. Considered.

Ld. Spl. P.P.-in-charge objects to the prayer for bail and so does the defacto complainant.

Perused the materials on the record.

It appears that C.S in this case has already been submitted in this case for offence punishable u/s 85/80/ 3(5) of the BNS Read With Section 06 of the POCSO Act and Section u/s 9/10 of the Prevention of Child Marriage Act. Therefore from the very fact that the defacto complainant himself has been made an accused in this case is indicative and admission of the marriage between the accused in custody and the victim which is also reflected in the sections of the BNS imputed against the accused persons. Therefore, where marriage has not been disputed there is presumption of cohabitation between married couples and such co-habitation cannot be considered as assault.

However, notwithstanding, the above fact I find that the accused has been custody for more than 100 days and early trial in this case is not possible as the defacto complainant intends to submit Naraji petition which has to be heard by this Court and if the Court is satisfied of the objection of the defacto-complainant then the matter will proceed for further investigation. Keeping in mind the admitted marriage and the death victim appears to be

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Contd. Order No. 11 dated 26-09-2025

due to suicide, I find that keeping the accused in further custody would be punitive before trial of this case is conducted, hence, I am inclined to grant bail to the accused.

Thus, the application for bail of accused **Bikash Chakraborty @ Raja** is allowed.

The accused may find bail of Rs. 20,000/- with two sureties of Rs. 10,000/- each. He shall not leave the jurisdiction of this Court. The accused shall also not tamper with evidence or hamper witnesses. The accused is to be present on every date fixed I/D bail will be canceled.

As the Court closing down for vacation in order to enable the accused to submit bond if any let the bonds be to the satisfaction of the Ld. ACJM, Gangarampur at Buniadpur who is requested to issue release order if bond is submitted.

If on bail **06-01-2026** for appearance and steps by the defacto complainant.

Dictated & Corrected by

Judge, Under POCSO Act,
Gangarampur at Buniadpur,
Dakshin Dinajpur.

(Melissa Gurung)
(WB-00842)
Judge, Under POCSO Act
Gangarampur at Buniadpur,
Dakshin Dinajpur.