

POCSO Case No. 01 of 2026

Order No.09/02.05.2026

Today is fixed for Production, Consideration of Charge and further hearing of bail petition.

The accused person Rihaj Mohammad is physically produced from Correctional Home.

The accused person files a petition praying for bail on the ground stated therein.

The bail petition is taken up for hearing.

Hd. both the sides.

Ld.Lawyer for the accused person submits that the accused person is an innocent person and he has been falsely implicated in the instant case and as such prays for bail on any condition.

Ld.Lawyer further submits that the grounds of arrest to the accused person were not informed and as such it is the non-compliance with article 22(1) is a violation of fundamental rights of the accused person and vitiates the arrest of the accused person which will be a ground to grant bail. Ld.Lawyer in support of his submission, relied on decisions of the Hon'ble Supreme Court in the cases of *Vihaan Kumar Vs. State of Haryana in 2025 LiveLaw(SC) 169*; *Prabir Purkayastha Vs.State(NCT of Delhi) in Criminal Appeal No----- of 2024(Arising out of SLP(Cr) Nos.----- of 2024*; *Ashish Kakkar Vs.UT of Chandigarh in Criminal Appeal No.1518/2025(SLP No.1662/2025) and another decision of Hon'ble High Court, Calcutta in Sudhar Mangar Vs.The State of W.B.(In CRM No.146 of 2025).*

On the other hand, Ld.Special P.P.-in-Charge submits that the submission of the Ld.Defence Lawyer that the accused person was never informed of the grounds of arrest is not correct. The Ld. Special P.P. in-Charge, in drawing attention of the Court with regard to Page Sl. No.20 in the Case Record submits that the I.O of the case, in compliance to Section 47(1)(2) of BNSS, in separate sheet, has informed to the accused person about the grounds of arrest and also right to bail at the time of arrest on 26.01.2026 at about 20.57 p.m.

The Ld.Special P.P.in-Charge raises objection against the prayer for bail submitting charge sheet has been submitted against the accused person u/s 6 of POCSO Act r/w Sections 137(2)/140(3) of BNS.

It appears from the page (Sl No. 20) in the Case Record that the I.O of the case, in separate sheet, in compliance to section 37(1)(2) of BNS, has duly informed to the accused person about the grounds of arrest at the time of arrest on 26.01.2025.

It also appears that Charge sheet has already been submitted against the accused person u/s 6 of POCSO Act r/w Sections 137(2)/140(3) of BNS. It appears from the

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C.D. that the accused person has kidnapped the minor daughter of the defacto-complainant aged about 13 years old and took her to Jaipur,Rajasthan, confined in a place under the jurisdiction of Chitrakut P.S,Jaipur,Rajasthan and also committed sexual intercourse with the said VG on several occasions.

Having heard the submissions of both the sides and considering the materials in the C.D and nature of the offence, I am not inclined to allow the prayer for bail of the accused person.

Hence, the prayer for bail of the accused person is considered and rejected.

The bail petition is accordingly disposed of.

Special Judge,
Under POCSO Act.
Kurseong.

Special Judge,
Under POCSO Act.
Kurseong.

Later/02.05.2026 :

The case record is taken up for consideration of Charge.

Perused the C.D. as well as materials on record.

Hd. both the sides.

On careful perusal, it appears that there is sufficient grounds for presuming that the accused person has committed the offence punishable under **6** of POCSO Act.2012 r/w Section 137(2)/140(3) of BNS.

Accordingly, the Charge under Section **6** of POCSO Act.2012 r/w Section 137(2)/140(3) of BNS is framed against the accused person.

The charge so framed is read over and explained to the accused person to which the accused person pleads not guilty by saying “ Mei Nirdosh Hu” and claims to be tried.

To **08.06.2026** for production and Evidence of the CS Witness No1.

Special Judge,
Under POCSO Act.
Kurseong.

Special Judge,
Under POCSO Act.
Kurseong.