

Spl.Case No. 20/2025

Order No.10

Dated 26.02.2026

Today is fixed for consideration of charge and hearing of bail petition .

Sole accused person namely Akash Sahani is in JC and physically present today.

Defacto-complainant is not present.

Bail petition is taken up for hearing .

Heard both the sides.

Perused the bail petition, CD as well as materials on record.

Ld.Advocate for the accused person prays for bail on any condition submitting that the accused person is in JC since 04.11.2025. Ld. Advocate further submits that the accused person is the permanent resident of Phulbari Tea Estate and there is no chances of his absconded or tempering evidence if enlarged on bail.

Ld. Spl.PP- in-charge raises vehement objection against the prayer for bail relying upon the materials on CD.

It appears that CS has been submitted against the accused person the Sec.06 of POCSO Act 2012. The allegation against the accused person that accused took minor daughter of the defacto-complainant to a Home stay at Upper Dudhia under Garidhura O.P. PS Kurseong, District Darjeeling and sexual upon the minor daughter of the defacto-complainant. I have also perused the statement of the VG recorded 183 of BNSS 2023 as well as the medico legal report. It appears from the statement of the VG recorded U/s 183 BNSS 2023 that the accused person took her to Home stay and forcibly committed sexual assault with her.

Having heard the submissions of both sides,considering the materials in the CD including the statement of VG U/s 183 BNSS 2023 and the nature of offence, I am not inclined to allow the prayer for bail of the accused person. Hence the bail prayer of the accused is considered and **rejected**.

Now the CR is taken up for consideration of charge.

Perused the materials on CR and the C.D .

Having considered prosecution's materials, as available with the CR and CD , I am of the view that there are sufficient grounds for presuming that the accused person has committed an offence U/s 5(l) which punishable U/s 6 of POCSO Act 2012.

Accordingly charge is framed for the offence committed U/s 5(l)& which punishable U/s 6 of POCSO Act 2012. against the accused person in camera and in a separate sheet of paper. Let the same be kept with the CR. The substance of the charge so framed is read over and explained to the accused in Hindi and Nepali language in in camera trial to which he pleads not guilty and claims to be tried.

Accused is remanded to J.C till **06.03.2026**.

Fix **06.03.2026** for examination of C.S.W. No.1 (Defacto complainant).

Issue summons accordingly.

Alamats if any, are directed to be produced on the each & every date of trial.

Accused person is produced from J.C on the date fixed.

B.C to do needful.

D/C by me:

Sd/- Shri Hemanta Sinha,
Judge Special, Under (POCSO)Act,
Kurseong

