

CNR No.WBDJ070002412025

JO Code : WB00935

Special POCSO Case No.39/2025

Order No. 14

Dated 15.05.2026

Today is fixed for hearing of bail petition and appearance of defacto complainant.

Ld. Special P.P. as well as Ld. Counsel for the accused are also found present in court today.

The defacto complainant is also found present in court in person in compliance of notice issued upon her by the court vide order dated 06.05.2026.

Now, the record is taken up for hearing of bail petition dated 06.05.2026.

Heard both sides at length.

Ld. Counsel for the accused prays bail on the ground of innocence of the accused as well as on the ground of long detention of the accused in custody.

It was further submitted by the Ld. Counsel for the accused that the charge sheet has already been filed marking the end of investigation and as such there is no requirement of further custodial interrogation of the accused and therefore prays for bail on any stringent condition.

The Ld. Special P.P., on the flip side, raises vehement objection considering the nature of offence and further submits that there is every possibility of influencing the material witnesses, if the bail is granted to the accused at this stage of trial and therefore prays for rejection of prayer for bail.

The defacto complainant, who has appeared in person in response to notice issued vide order dated 06.05.2026, has also objected to the prayer for bail as sought for by the accused.

Perused the record. This is the case u/s 10 of POCSO Act.

The charge sheet has already been filed in the instant case and charge has already been framed against the accused on 29.01.2026. However, not a single prosecution witness has yet been examined till date. The vital witness i.e. the survivor, who was aged about 10 years at the time of incident, is yet to be examined.

Perused the C.D. along with case record. Also perused the statement of the survivor recorded u/s 183 of BNSS.

Having regard to the nature of offence, the statement of the survivor recorded u/s 183 of BNSS, the stage of trial, the non examination of vital witnesses including the survivor and also taking into account of incriminating materials against the present accused available in the C.D., I do not find any cogent ground to grant bail to the accused at this stage. Hence, bail prayer stands rejected.

C.D. be handed over to the Ld. Special P.P. at once with proper endorsement.

Todate (10.06.2026) for production and evidence.

D&C by me

Sd/-

Judge, Special Court (POCSO)
Kalimpong

Sd/-

Judge, Special Court (NDPS)
Kalimpong