

Present :: Shri Ajayendra Nath Bhattacharya
Judge, Special Court(POSCO), Contai
J.O. Code WB00819

Order No. 03 , dated 12-09-2025

Today is fixed for production, appointment of Ld. Special PP, hearing of bail petition dated 06-09-2025 and I.O's report.

I.O's report is already received.

Accused Biplab Panda is produced from J/C and remanded to J/C till the next date.

Shri Ramkrishna Panda appeared as Ld. Special PP and files his appointment letter.

De facto complainant is present.

The said bail petition dated 06-09-2025 is taken up for hearing.

C.D is produced.

Ld. Lawyer appearing for the accused Biplab Panda submitted that the accused is totally innocent and has been falsely implicated in this case. It is submitted that the recitals of the written complainant do not disclose any offence under the provision of the POCSO Act. It is submitted that even if the allegations made in the written complaint are taken to be true, it is only a case where there was severe punishment given by a teacher to the students of the school for negligence in studies. It is submitted that the provision of the POCSO Act has only been incorporated in this case to give it a graver picture.

Ld. Special PP produces the case diary and submits that there is serious allegation against the accused person regarding the torture upon the student in the name of giving punishment and the accused person has assaulted the students in such a severe manner that the girl students got serious injuries on their private parts and as such, there is sufficient material coming prima facie against this accused person regarding the commission of the alleged offence under POCSO Act.

De facto complainant is present personally and submits that the accused person have severely assaulted his daughter and the other students of the school and as such, he had filed this case so that adequate action may be taken against the said accused person.

On perusal of the case record and case diary it is found that the primary allegation against the accused person is regarding his conduct in severely assaulting the students of the school for their negligence in studies. Such action on the part of the accused person cannot be appreciated by this Court. However, though there is allegation regarding the accused giving indecent signals to the girl students of the school, such allegation does not find support from the materials so far collected in the investigation. The statement from the victim as recorded under Section 183 BNSS also

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does not support such allegation. In a recent Judgment in the case of Sibin V. State of Kerala as reported in 2025 (1) AICLR 475 (Ker), the Hon'ble Kerala High Court has observed that when the teachers are doing their duties in schools and colleges, they ought not to be any threat of registration of criminal case against them. Teacher community should not be in a threat of registration of a criminal case, where child is advised or given a small punishment for their better future. In the present case, the punishment awarded by the accused person cannot be said to be a small punishment but taking into consideration the materials in the C.D. and the case record, it appears to this Court that the conduct of the accused would at best attract offence under the J.J.Act and this Court does not find at this stage any materials regarding commission of any offence under the POCSO Act prima facie against the accused person.

Considering discussions made above, this Court is inclined to release the accused person on bail on furnishing bail bond of Rs.6,000/- with two sureties of Rs.3,000/- each, subject to the satisfaction and acceptance of Ld. ACJM, Contai and on further condition that the accused person will in no way try to contact or intimidate the victim, informant or any other witness of this case or made any attempt to tamper with any evidence of this case or influence the witnesses of this case. The accused is also put under condition not to meet with the victim or the informant, except for the purpose of attending his duty in the concerned school, till the completion of investigation i/d to J/C till next date.

If on bail to **24-11-2025** for appearance and I.O.'s report.

Let a copy of this order be sent to the Court of Ld. A.C.J.M, Contai, Purba Medinipur for information and necessary action.

C.D. be returned.

Sd/-
Additional Sessions Judge, 1st Court,
Contai.