

## **Special (P.O.C.S.O.) 11 / 2023**

**Order No. 07 dtd. 26.04.2023**

Accused Saddam Hossain Mallick @ Saddam Hossen Mallick is produced from correctional home. He is remanded to correctional home till 10.05.2023.

To date for production.

Ld. Special P.P.-in-charge is present and files hazirah. Ld. Lawyer for the accused is also present and files hazirah.

Bail petition filed on behalf of accused on 24.04.2023 is taken up for hearing.

Heard both sides. Perused bail petition, record and C.D. Considered.

Ld. Lawyer for the accused submits that the case was initially started under sections 363/365 I.P.C. but subsequently section 376 of I.P.C. and section 4 of P.O.C.S.O. Act is added. He further submits that after the incident the victim girl returned to her house out of her own. In her statement under section 164 Cr.P.C. she has not specifically deposed that she was raped. He prays for bail of the accused on any condition.

Ld. Special P.P.-in-charge vehemently opposes the prayer for bail and submits that there are sufficient materials against the accused in C.D.

It appears from F.I.R. that on 03.02.2023 victim girl went to her school and did not return. Accordingly, a complaint was lodged by her mother on 04.02.2023. Subsequently, victim girl returned and she made statement under section 164 Cr.P.C. in which she has specifically alleged about sexual intercourse against her consent by the accused at Digha. Medical report also supports the prosecution case.

Considering the materials on record and C.D. as well as nature and gravity of the offence, I am not inclined to enlarge the accused on bail. Hence, prayer for bail of accused is rejected.

To 10.05.2023 for I.O.'s report. Return C.D.

Dictated & corrected by me.

Sd/- (Sri M. K. Rai)  
Judge, Special Court

Sd/- (Sri M. K. Rai)  
Judge, Special Court  
-cum- Additional Sessions Judge  
1<sup>st</sup> Court, Serampore