

S. T. (P.O.C.S.O.) 09 (08) / 2023

Order No. 15

23.07.2024

Sole accused namely Saddam Hossain Mallick is produced from correctional home. He is remanded to correctional home till 24.07.2024.

To date for production.

Ld. Special P.P.-in-charge is present and files hazirah. No witness is present.

Bail petition is filed on behalf of the accused today and is taken up for hearing.

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

Ld. Lawyer for the accused submits that the accused is in custody for over one year and the prosecution has examined seven witnesses. He further submits that no witness has turned up today. He further submits that there are 34 witnesses in the charge sheet and as such, the accused cannot get speedy trial of this case. He is entitled to speedy trial so that his personal liberty is not curtailed for long in view of the provisions of Article 21 of the Constitution of India. He also submits that the accused is entitled to bail on this ground.

Ld. Special P.P.-in-charge vehemently opposes the prayer for bail. He submits that effective steps have been taken for examination of witnesses and seven witnesses have been examined.

It transpires from the record that charge has been framed against the accused under sections 363/365/376(3) of I.P.C. and section 4 of P.O.C.S.O. Act. It appears from evidence on record of victim girl and her relatives that they have made allegations against the accused of forcibly taking the victim girl to Digha and committing sexual intercourse with her. Witnesses are being examined and prayer of accused person under section 231 Cr.P.C. was allowed in respect of C.S.W. Nos. 1 to 6, which caused some delay in examination of other witnesses. Trial of this case is going on. Considering the nature and gravity of the offence and materials against the accused, I am not inclined to enlarge the accused on bail. Hence, prayer for bail of accused stands rejected.

To date (i.e. 24.07.2024) for production and evidence.

Dictated & Corrected by me.

Sd/- (Sri M.K. Rai)

Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore,

Sd/- (Sri M.K. Rai)

Judge, Special Court-cum-
Additional Sessions Judge,
1st Court, Serampore,