

**Special (P.O.C.S.O.) 40 / 2025**  
**(C.N.R. - WBHG05-001027-2025)**

**Present: Smt. Ratna Roy**  
(J.O. Code : WB00914)

**Order No. 09 dtd. 05.07.2025**

The bail application of the accused namely Janab Ali, which is fixed for hearing today is taken up.

Ld. Special P.P.-in-charge and Ld. Defence Counsel are present.

Defacto complainant did not personally appear but is represented by her Ld. Advocate. A fresh vokalatnama is filed on behalf of the defacto complainant. Let the same be kept with the record.

Heard both sides over the bail petition.

Ld. Defence Counsel submitted that the accused is in custody for 28 days. The complainant and her family members were traveling in a train. The accused had given his seat to one of his family members of the defacto and was standing. The train was crowded and in the crowd somehow his hand got touched in the body of the victim girl. There was no sexual intent on his part. That considering the detention of the accused, he be granted bail under any condition.

Ld. Special P.P.-in-charge opposed the bail prayer stating that it might be that the train was crowded but the intent of the accused is to be seen. There is allegation of repeated touch on the victim girl's body. Repeated touch is not accidental touch. He further submitted that when the train had reached Sheoraphuli railway station, the accused was intercepted by co-passengers and handed over to G.R.P. He further submitted that if the accused is released on bail, he may continue the type of behaviour he had done with the victim girl. The case is under investigation. The accused is resident of Coochbehar. So there is every chance of him absconding.

Ld. Advocate for the defacto opposed the bail prayer and made the same submission as made by the Ld. Special P.P.-in-charge.

Considered submissions of both sides. Perused the materials on the record and C.D.

On perusal of C.D., I find that the victim girl had corroborated the F.I.R. in her statement under section 183 of B.N.S.S. and section 180 of B.N.S. The case is still under investigation. Considering the facts of the case and the fact that investigation is still continuing, the bail prayer of the accused stands rejected.

To date (16.07.2025) for production and I.O.'s report.

Sd/- (Smt. Ratna Roy)  
Judge, Special Court-cum-  
Additional Sessions Judge,  
1<sup>st</sup> Court, Serampore,

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