

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

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

Order No. 11 dtd. 16.07.2025

Accused Janab Ali is produced from correctional home.

I.O.'s report not yet received.

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 is not physically present but she is represented by her Ld. Advocate who filed petition objecting the bail prayer.

Heard both sides over the bail petition.

Ld. Defence Counsel submitted that the accused is in custody since 09.06.2025. The complainant and her family were traveling in the train in which the accused was also traveling. The accused had given his seat to one of the elderly members of the complainant's family and thereafter he was standing. The train was overcrowded and in the crowd somehow his hand touched the body of the victim girl. There was no sexual intent on the part of the accused. That the simple touch without any sexual intent does not come under P.O.C.S.O. Act. That this case is a clear case of misuse of P.O.C.S.O. Act. Ld. Advocate, thus prayed for bail of the accused under any condition.

Ld. Special P.P.-in-charge submitted that the case is not which is an unintentional touch on the part of the accused. The allegation against him is that he had repeatedly touched the chest and knee of the victim girl who is a minor. That the accused is a resident of Tufanganj, Coochbehar. If he is granted bail at this stage, he will abscond. The case is still under investigation.

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

Considered submissions as made. Perused the materials on the record and C.D.

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

To **30.07.2025** for production and I.O.'s report.

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

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