

S. C. Spl. 21/2023

Order No.

Dt. 20-06-23

The sole accused person namely Sk. Safiqul Islam @ Mintu is produced from J/C today.

His bail application dated 16.05.23 is taken up for consideration in the presence of Ld. Special P.P.

Ld. Advocate appearing for the accused/ petitioner while praying for his bail submitted that the accused has long been in custody since 19.04.23 which is for about 62 days and fact remains that charge-sheet has been submitted against him which is suggestive that investigation is complete and his detention is no longer required. Furthermore, Ld. Advocate submitted that the medical evidence so far collected during investigation does not justify the allegation against the accused/ petitioner as per the prosecution case.

Ld. Advocate prays for his bail at any terms and conditions.

Ld. Advocate submitted that there is no any bail application of the accused/ petitioner is pending before any upper court and there has not been any rejection therefrom.

Ld. Special P.P. during hearing raised objection against the prayer for bail of the accused petitioner citing the reason of the material evidence available against him which may be evident from the statement of the victim girl as got recorded u/s 161 as well as u/s 164 of Cr.P.C.

After having heard both sides I have carefully perused the C.D of the case and while perusing the C.D. I find that admittedly the charge-sheet has been submitted in this case against the accused/ petitioner who is FIR named and the said charge-sheet is submitted u/s 6(1) of POCSO Act, 2012 apart from submitting the charge-sheet under other penal provisions.

While considering his bail application I have duly taken note of the medical report of the victim which on perusal is found to be not conclusive as per the opinion of the attending doctor. However, I have carefully perused the statement of the victim girl which has been recorded u/s 161 of Cr.P.C. as well as u/s 164 of Cr.P.C. where from I find that she has endorsed the allegation against the accused/ petitioner that she was long been sexually abused by the accused/ petitioner when she was at her study on class III. Considering this aspect only the prayer for bail of the accused/ petitioner is **rejected**.

**Fix 19.07.23** for further production of the accused for the purpose of consideration of charge against him.

C.D. be returned.

Dictated & corrected by me,

Kazi Abul Hasem

Additional Sessions Judge  
Chandernagore

J.O code WB-00787

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Chandernagore

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