

S. C. (Spl). 21/2023

Order No.24

Dt.19-07-23

Record goes to show that today is fixed for hearing of the bail application of accused Sk. Safikul Islam @ Mintu.

The above named accused is produced today from J/C.

Ld. Advocate for the accused is present. So also Ld. Special P.P. is present with C.D. of the case.

Ld. Advocate appearing for the accused/petitioner while praying for his bail submits that the accused/ petitioner is in custody since 19.04.23, for about 91 days . While praying for bail Ld. Advocate further submitted that in this case the accused/ petitioner has been falsely framed and there is mis-match in the medical evidence of this case with that of the version of the complainant and the victim. Ld. Advocate further submitted that the charge-sheet has been submitted during which the Investigating Officer did not pray for custody trial of the accused/ petitioner. Hence, the Ld. Advocate prays for his bail at any terms and conditions.

Ld. Advocate also submitted that no other bail application is filed before any higher forum in respect of this accused/ petitioner nor there is any rejection of bail prayer therefrom.

LD. Special P.P. raises strong objection against prayer for bail saying that the nature of the offence is very much heinous involving a minor girl as victim. Ld. Special P.P. while raising objection against above prayer for bail submitted that if the accused is enlarged on bail he would be able to tamper the evidence as well as most likely he would be able to threaten or influence the witnesses during trial.

After having heard both sides according I have perused the nature of the case against the accused/ petitioner which being principally u/s 6 of the POCSO Act along with other penal section under IPC. While considering the said case I have perused the statement of the victim girl as got recorded u/s 164 of Cr.P.C. Only after considering the above statement of the victim I am of the view that accused is required to face custody trial and accordingly his prayer for bail is **rejected**.

Once his bail is rejected the court requires to fast track the trial of the case and accordingly court proceeds to consider the charge against the accused/ petitioner for the purpose of framing the same against him.

In this behalf I heard both sides. Perused the C.D. as well as record. Now after careful perusal and consideration I find that there are sufficient materials available for which a charge u/s 376(2)(n)/448/506 of IPC as well as u/s 6 of POCSO Act can well be framed against him.

Accordingly, the contents of the above charges are read over and explained to the accused and is asked whether he intends to plead guilty or not. However, he pleaded not guilty to the above charges by saying 'ami nirdosh'. Accordingly, the charges are framed against him in separate sheet which is kept with the record.

Thus the trial of the case commenced. Let the trial number of this case be given as ST (Spl) 18(07)/23.

Fix **22.08.23** for evidence of CSW-01 & 04

**23.08.23** For evidence of CSW-02 & 03.

**24.08.23** for evidence of CSW -05 & 06

Prosecution to take steps to issue summons upon the above witnesses as per date wise trial of the case along with alamat if there be any.

Accused be produced on the above dates from J/C in order to enable him to face the charge during trial.

Dictated & corrected by me,

Kazi Abul Hasem  
Additional Sessions Judge  
Chandernagore  
J.O code WB-00787

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