

In the court of Additional Sessions Judge, 1st Court, Uluberia, Howrah.
Special case No. 43/21
Shyampur P.S. case No. 311/21, dated 04.08.21
Present : Bhaskar Bhattacharjee
(JO Code: WB 640)

Order No.5, dated 16.09.2021

This day is the date fixed for production and bail hearing of accused Supiyan Khan.
Received the S.R. of notice of the defacto complainant after due service.

Defacto complainant files vokalatnama along with a petition praying for rejection of bail petition.

Copy served.

Ld. Advocate appearing for the defacto complainant is present.

Ld. Special P.P in-charge and the Ld. Advocate appearing for the accused are present.

Bail petition dated 02.09.2021 is taken up for hearing.

Ld. Advocate appearing for the accused person namely, Supiyan Khan is present and submits that no application for bail either U/S 438 Cr.P.C or U/S 439 Cr.P.C has been preferred, rejected or pending before any higher forum in respect of the present accused person and to that effect an affidavit has been filed this day duly sworn by the brother of the petitioner.

Ld. Special P.P in-charge also conceded to the submission as advanced by the Ld. Advocate appearing for the accused/petitioner regarding the pendency or earlier rejection of the identical applications concerning the present petitioner/accused person in any higher forum.

Ld. Special P.P in-charge raised strong objection as there are sufficient incriminating materials available in the CD against the present petitioner regarding his involvement in the alleged offences and prays for rejection of the bail application.

Ld. Advocate for the defacto complainant strongly oppose the prayer for bail.

Heard the defacto complainant who is present in court today and he also strongly object the prayer for bail.

Ld. Advocate for the accused further submitted that the accused has been falsely implicated in this case and there is no direct allegation against the accused and accordingly he prays for bail. He further submitted that the accused is in J/C since 21.08.2021 and considering the period of detention he prays for bail on any terms and conditions.

Heard both sides.

Perused the materials on record and the CD. Also gone through the statement of the victim girl recorded u/s 164 Cr.P.C and the medical examination report of the victim girl. It appears that the accused/petitioner is named in the FIR. On consideration of the materials collected in the CD and on going through the statement of the victim girl recorded u/s 164 Cr.P.C it appears that there is prima facie allegation of abetment in the commission of the alleged offences is available against the present petitioner/accused. The victim is a minor child. The investigation of the case is still progressing. Having regard to the aims and objects of the POCSO Act and also considering the impact on the society, if the accused person is granted bail, the prayer for bail is considered and rejected.

Return CD.

To date (18.09.2021) for production.

Dictated and corrected by me.

Sd/-
Additional Sessions Judge,
1st Court, Uluberia, Howrah.

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