

In the Court of Additional Sessions Judge, 1st Court, Uluberia, Howrah
Special case No. 111/17

Order No.21, dated. 05.01.18.

Out of two accused persons, accused Abdul Hannan on court bail is present.

Accused Sk. Fayez is produced from judicial custody.

Today is fixed for hearing of the bail petition filed on 22.12.17 on behalf of the said accused Sk. Fayez.

The Ld. defence counsel is present.

Ld. Special P.P is also present.

It has been submitted on behalf of the accused person namely, Sk. Fayez that he has suffered detention for about 108 days and investigation is over and complete with submission of supplementary charge sheet. Further detention of the accused person in custody is unnecessary. The victim girl had pleaded before the Court for setting the accused person free. She had been a consenting party all along and in view of the above counts the accused persons has prayed for bail.

The Ld. Special P.P has raised strong objection contending that several bail petitions have been moved and rejected by this Court on the same grounds. The defacto complainant had to move the Hon'ble Court as many as four times for appropriate relief, proper investigation and even recovery of the victim girl. The minor victim girl would not have been recovered without the intervention and or direction of the Hon'ble Court. As the minor victim girl has given birth to a child there cannot be any offence more serious than the present one. The trial of the case will be frustrated if the accused person is enlarged on bail at this stage as there is every possibility for him to threaten or to persuade the witnesses.

Considering the facts and circumstances and the materials on record and the CD as well as the submissions of the Ld. Advocates for both sides, it appears that the bail prayer of the accused person had been rejected several times by this Court earlier and there is no reason to take any different view even at present. Supplementary charge sheet has been submitted by the I.O. adding section 376 IPC and section 6 of the POCSO Act as per direction of the Hon'ble Court and the case has been matured for trial. Trial is likely to be frustrated if the accused person is release on bail at this stage. It is fact that the accused person has suffered detention for long period and for that reason the trial would be done in strict compliance with section 309 Cr.P.C. However on the score of the factual matrix in view of the seriousness of the alleged offence this Court is not inclined to grant the bail prayer of the accused person. Hence the bail prayer of accused Sk. Fayez is considered and rejected on contest.

Let copy in respect of supplementary charge sheet be delivered to the accused person by **06.01.18** at once.

To date for production, appearance, copy and further order.

Sd/-

Rupanjana Chakrabarti
Additional Sessions Judge, 1st Court,
Uluberia, Howrah