

In the Court of Additional Sessions Judge, 1st Court, Uluberia, Howrah.
Special case No. 17/2024
Bagnan P.S. case No.108/24 dated 21.02.24
Present : Sandip Choudhury (JO Code : WB 00587)

Order No.6, dated 20.03.2024.

Received the inspection Memo, Memo of arrest, check list, emergency treatment card and forwarding report in respect of accused Rabin Roy in connection with Bagnan P.S. case No.108/24 dated 21.02.24, u/s 506/34 and 8/12/17 of POCSO Act who was brought under arrest.

The accused is taken into custody.

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

Ld. Advocate for the accused files a petition praying for bail along with vokalatnama.

Copy served.

The bail petition is taken up for hearing.

Heard the Ld. Advocate for the accused who submits that the accused is serving in school for last 13 years and no such complaint has been lodged against him. He was performing duty at the Head Master's room throughout the day. He further submits that the dispute started when the accused has started putting padlock in the main gate of the school according to the instruction of the Head Master after school hour which is the cause of inconvenience of the local hooligan and club members who were in the habit of using the school premises, field and covered area for their illegal activities during evening and night.

Ld. Advocate for the accused further submits that there is another one Group-D staff in the school who usually performs the duty of ringing the bell and supplying water and other articles to the class room according to the demand.

Ld. Special P.P in-charge opposes the prayer for bail with the contention that prayer for anticipatory bail of accused has been rejected by this court.

Perused the FIR and 164 of Cr.P.C statements of six victims and from one of the statement of alleged victims, it appears that it has been alleged that accused has outraged the modesty of other friends by touching their breasts at a time simultaneously in presence of all the friends including the said victim, which is not believable at all.

Perused the CD wherefrom it appears that one notice u/s 41A of Cr.P.C. has been served on 05.03.2024 to one lady and by the side of the signature of that lady, the word relative has been written, but there is no clarification in the CD regarding what the relation of the lady with the accused. That apart one check list has been issued. In the forwarding report no prayer for P.C has been made.

In view of the latest judgment of the Hon'ble Apex Court reported in Satender Kumar Antil -vs- Central Bureau of Investigation & Anr and since this is a case u/s 8/12/17 of POCSO Act, I am of opinion that custodial interrogation of the present accused is not necessary and further detention in jail custody is also not necessary and there is also not strict compliance of section 41 A of Cr.P.C according to the purport and sense of the direction of the Hon'ble Court. Hence, the prayer for bail of accused is allowed.

Accordingly, it is

Ordered

the accused person namely, Rabin Roy may find a bail of Rs. 2,000/- with one Advocate surety of this court, on condition that he will not enter into the class room of Mankur Uccha Vidyalaya till continuing of classes and he will perform duty at Head Master's room during class hour till completion of investigation. The bond furnished shall be subject to the satisfaction of the Ld. A.C.J.M. Uluberia.

To 03.04.2024 for appearance, if on bail i.d. to J/C and I.O's report.

To date (17.04.2024) for appearance and I.O's report.

Let a copy of this order be sent to the Ld. A.C.J.M. Uluberia for information and necessary action.

Dictated and corrected by me.

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

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Additional Sessions Judge,
1st Court, Uluberia, Howrah.