

**IN THE COURT OF SPECIAL (POCSO), ADJ 2ND, JALPAIGURI**  
**Sessions Case (POCSO) 07 of 2022**  
**S.T no. 03 (04) of 2023**

**Order No. 01 dt. 12.04.2023:-**

Accused namely Alef Hossain is produced.

Today is fixed for framing of charge.

A bail petition is filed on behalf of the aforesaid accused.

The record is taken up for framing of charge first.

Perused the C.D., the record and the documents lying therein.

Hd. Ld. Spl. PP for the prosecution and the Ld. defence counsel as well as the accused/person.

Considered.

Having heard both sides and regard being had to the materials in the case diary, there appears to be sufficient grounds to presume that the accused/person Alef Hossain has committed offence punishable u/s 363/365 of IPC and u/S 6 of the Protection of Children from Sexual Offences Act, 2012.

Accordingly, charge is framed in prescribed form against the accused/person namely **Alef Hossain** for the offence punishable **u/s 363/365 of IPC and u/s 6 of the Protection of Children from Sexual Offences Act, 2012** and the contents thereof were read over and explained to the accused/person in Bengali to which he pleaded not guilty and claimed to be tried by saying "ami nirdosh".

Now, the bail petition is taken up for hearing.

Ld. Lawyer for the accused/petitioner submitted that the investigation is concluded in form of charge-sheet and the accused is languishing in custody for a considerable period of time and prayed for enlarging him on bail on any condition as the court may deem fit and proper.

Ld. Spl. PP raised objection.

Perused the record and the C.D.

It appears that there is *prima-facie* materials of sexual assault.

Considering the aforesaid facts and materials lying in the C.D, I am not inclined to allow the bail application.

Hence, the bail application stands rejected.

At this juncture, Ld. PP filed a petition u/s 311 of Cr.P.C praying for issuing summon upon witness (victim girl) whose name is not mentioned in the charge-sheet.

Heard. Considered.

Find that victim girl is significant witness of the prosecution and therefore, her evidence appears to be essential for just decision of the case. Hence, the prayer for prosecution u/s 311 of Cr.P.C is considered and allowed.

Fix 27.06.2023 for production and evidence of victim girl.

Issue summon upon the victim girl. B.C-II to comply at once.

Return C.D.

D/C by me

Judge, Special Court,  
(Under POCSO Act)  
2ndCourt, Jalpaiguri

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