

Special Case No.109/2023

S.T. No. 13/24

Present :Smt. Papiya Das (J.O.No. WB00736)

Judge, Special Court,

Alipurduar.

Order no.12

dt.12.03.24.

Today is fixed for production and consideration of charge.

Accused Bimal Ray is produced from J/C.

Now, the case record is taken up for consideration of charge.

Learned Advocate for the accused is present.

Ld. Special P.P for the State is also present.

Heard both sides.

Perused the materials on record as well as on C.D.

Considered.

It reveals to me that there is every reason to believe that the accused person has committed offence punishable under section 4 POCSO Act and under section 506 IPC which this Court is competent to try and which will be adequately punished by this Court and within cognizance of this Court of sessions.

Hence, charge under section 4 POCSO Act and under section 506 IPC is framed against the accused person.

The charge so framed is read over and explained to the accused person to which he pleaded not guilty by saying in Bengali “Ami nirdosh” and claimed to be tried. The charge so framed is written in a separate printed form and be kept in the record.

Fix **02.05.2024** evidence of victim girl

03.05.2024 for evidence of complainant.

Issue summons accordingly.

One bail petition is filed on behalf of the accused praying for bail.

Heard Ld. Defence counsel as well as Ld. Special P.P.

Ld. Advocate for the accused submits that the FIR has been lodged after one year of incident. He further submits that one salishi was held in the village. It is

further submitted that the accused is in custody since 01.12.23 and suffered detention for long time. Ld Advocate thus prays for bail on that score.

Ld. Special P.P raises strong objection against bail prayer of the accused person by stating that the incident happened earlier and one salishi was held relating to that incident but the accused repeatedly committed the same act. He points out the medical examination report and 164 Cr.P.C statement of the VG lying at page 18 and page 30 of the CD and opposes bail prayer.

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Having heard both sides and after perusal of the materials on record as well as on CD including the 164 Cr.P.C and the medical examination report of the victim girl, I find that there are sufficient incriminating materials in the CD and the 164 Cr P C statement of the victim girl against this accused. In my considered view if the accused be enlarged on bail then there is every possibility of his absconsion, tampering of evidence and influencing reliable witnesses. Therefore, I am not inclined to enlarge the accused person on bail at this stage.

Considering the entire situation, bail prayer of the accused is rejected.

To-date **(02.05.24)** for production and evidence of victim girl.

Dictated & corrected
by me

Judge, Special Court,
Alipurduar.

Judge, Special Court,
Alipurduar.