

**Special Case No.119/2022**

Present :Smt. Papiya Das (J.O.No. WB00736)  
Judge, Special Court,  
Alipurduar.

Order no.8,dt.01.04.23.

Record is put up today by a petition filed on behalf of the accused Jakir Hossain who is in J/C.

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

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

Ld. Defence counsel submits that this is a case u/s 376AB read with Section 6 of POCSO Act against the accused person who has been detained in custody since 11.05.22. She further submits that there was previous enmity between the complainant and the accused person for which the instant case was lodged. According to her, the actual fact is that the complainant owed some money of Rs.25,000/- from the accused person and when the accused person demanded the same, then dispute cropped up between the two families. She further stated that the wife of the accused person instituted a case u/s 107 Cr.P.C against the complainant and the present case is a counter blast of the case u/s 107 Cr.P.C. She also files certified copy of the said case before this Court. Again she submits that the present accused person has been falsely implicated in this case and if he be released on bail then he will not abscond. She thus prays for bail on any stringent condition.

Ld. Special P.P submits that the VG is 6 & 1/2 years old. By drawing attention to the page nos.3, 30, 31,60, 84 of the CD he submits that all these witnesses have categorically stated about the alleged offence against this accused. He thus raises vehement objection against bail prayer of the accused.

Perused the materials on record as well as on CD including 164 Cr.P.C statement of the victim girl, I find that there are sufficient incriminating materials against the accused person in the CD. Moreover, I find that the alleged incident u/s 107 Cr.P.C as filed by the Ld. Defence counsel, occurred on 01.11.22 wherein the wife of the accused instituted the case u/s 107 Cr.P.C on 21.12.22. I further find that in the body of the petition u/s 107 Cr.P.C it is clearly mentioned that the family members of the present VG threatened the present accused of falsely implicating him on a case under POCSO Act alleging that he tried to commit rape upon the minor VG. But the alleged incident in the present case occurred on 11.11.22. The case u/s 107 Cr.P.C was instituted on 21.12.22 over the incident allegedly occurred on 01.11.22. The delay in instituting the case u/s 107 Cr.P.C is not mentioned in the body of that petition. This anomaly clearly indicates that the case u/s 107 Cr.P.C is false, concocted and manufactured in order to counter the present case in hand. Such type of attempt clearly indicates towards the guilt of the accused person.

Considering the materials on record as well as on CD, I am not inclined to enlarge the accused person on bail. Hence his bail prayer is **rejected**.

To date (28.04.23) for production and evidence.

Dict.& corr. by me

Judge, Special Court,  
Alipurduar.

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