

Order No. 6

Dated 23.12.2025

Today is fixed for production, hearing of bail petition and appearance of defacto complainant.

Accused Saran Pradhan is produced from J/C.

Ld. Special P.P. as well as Ld. Counsel for the accused are also found present in court today.

The defacto complainant is also found present in court in person in compliance of notice issued upon her by the court vide order dated 11.12.2025.

Now, the record is taken up for hearing of bail petition dated 11.12.2025.

Heard both sides at length.

Ld. Counsel for the accused prays for bail citing two grounds -

1. The innocence of the accused and
2. Chronic disease of the accused.

It was submitted by the Ld. Counsel for the accused that the accused has falsely been implicated in the instant case and moreover he has been suffering from various ailments for which he may be enlarged on bail on any condition.

The Special P.P, on the flip side, raises vehement objection considering the nature of allegation and filing of charge sheet.

The defacto complainant, who has appeared in person in due compliance of the notice issued upon her, also raises serious objection against the prayer for bail and she submits before the court that the survivor is aged about 10 years and there is every apprehension of intimidating the sterling witnesses like the survivor and her relatives, if the bail is granted to the accused and therefore she prays for rejection of prayer for bail.

Perused the record. Also perused the FIR and the statement of the survivor recorded u/s 183 of BNSS, the allegation as levelled against the accused appears to be serious in nature and the allegation has further been corroborated by the subsequent filing of charge sheet. The statement made before the Magistrate by the survivor which was subsequently recorded u/s 183 of BNSS also discloses incriminating materials against the accused. Moreover, charge has not yet been framed against the accused indicating the fact that the trial has not yet commenced. The Ld. Special P.P. as well as Ld. Counsel for the accused also raised the issue of manipulating or intimidating the survivor or material witnesses and non framing of charge till date and non commencement of trial

on that score is evident that the minor survivor has not yet been examined as witness for which there is every possibility of intimidating the survivor by the accused if the bail is granted to him.

Having regard to the nature and gravity of the offence, the filing of charge sheet and also taking into account of the statement of the survivor recorded u/s 183 of BNSS as well as the contents of the FIR, I do not find any cogent ground to grant bail to the accused at this stage. Hence, bail prayer stands rejected.

Copy is ready and the same be supplied to the accused at once.

Fix 29.01.2026 for production and framing of charge.

D&C by me

Sd/-

Judge, Special Court (POCSO)

Kalimpong

Sd/-

Judge, Special Court (POCSO)

Kalimpong