

POCSO Case No. 64-2023
Lalgola PS Case No. 275/2023 dated 09.07.2023

Order No.06 Dated 13.03.2024

Today is fixed for appearance and IO's report.

Today two FIR named accused Sanju Singha @ Rajesh Singha and Ram Singha @ Ram Chandra Singha, already on bail as granted by the Hon'ble Court U/s 438 of Cr.PC in CRM(A) No.4146 of 2023 dated 13.12.2023 appeared before the Court, on the basis of direction in Order no. 05 dated 05.03.2024 first on the last occasion for the purpose of acceptance of Charge sheet, where the prosecution dropped the charge against accused No.02 Ram Singha @ Ram Chandra Singha and prayed for discharge and further for acceptance of charge sheet against the principal accused Sanju Singha @ Rajesh Singha U/s 306 of IPC with adding Section 6 of POCSO Act.

Heard Ld. Counsel for the prosecution.

Defacto complainant is present.

Defacto complainant submitted before the Court that he has no objection if the Court discharge accused Ram Singha @ Ram Chandra Singha from this case.

The prayer is considered and allowed.

Cognizance is taken, after accepting charge sheet against accused Sanju Singha @ Rajesh Singha U/s 306 of IPC with adding Section 6 of POCSO Act.

Now, in terms of the authority of the Hon'ble Apex Court in **Pradeep Ram Vs State of Jharkhand** reported in (2019) 17 SCC 326 for the addition of Charge in the charge sheet U/s 6 of POCSO Act for addition of higher charge of Section 6 of POCSO Act, fresh hearing of the bail application is required, in respect of the accused Sanju Singha @ Rajesh Singha.

In terms of the authority of the Hon'ble Apex Court in Pradeep Ram (supra) the Court which had earlier released the accused on bail, can only entertain the bail application.

At this stage the defence prayed for an opportunity granting him time to move fresh application praying for bail in terms of the authority of Pradeep Ram (supra), before the Hon'ble Court. Copy filed.

Now, for the purpose of hearing application is for granting bail in terms of the authority reported in **Pradeep Ram Vs State of Jharkhand** reported in (2019) 17 SCC 326 is required after serving the notice on the defacto complainant.

Accordingly, for ends of justice the matter is adjourned.

Fix **15.05.2024** for personal appearance of the accused Sanju Singha @ Rajesh Singha and further order.

To date for bringing fresh order from the Hon'ble Court as prayed for by the defence.

Issue notices upon the defacto complainant accordingly.

Inform all concerned.

Dictd. & Cortd.
by me.

A. S. J.

Additional Sessions Judge,
Lalbagh, Murshidabad