

POCSO 12 of 2023

CNR No. - WBND010006712023

JO Code – WB00731

R- 12/23

Order, dated – 03.04.2023.

To date has been fixed for production of accused Rejaul Karim and production of C.D.

One accused namely Rakesh Biswas is present by filing hazira.

Accused Rejaul Karim is produced from J/C.

C.D produced.

One bail application has been filed on behalf of accused Rejaul Karim.

Heard Ld. counsel as well as Ld. Spl. P.P.

Ld. Spl. P.P Mr. Bikash Mukherjee raised vehement objection contending interalia that this accused is a Bangladeshi National, although, he came over here with valid passport but here he had committed a heinous crime and if he would granted bail then there is every possibility of absconcern which would hamper the trial itself.

Ld. counsel representing the accused on the other hand submitted that since C.S has already been submitted there is no necessity to keep this accused behind the bars because this accused enter into India with his valid vissa and passport. He further submitted that the accused would comply the order of the court in case of his bail by furnishing sufficient sureties as this court may deem fit and proper and would appear on each and every date fixed by this court.

I have considered respective submissions.

On perusal of the record it appears that the I.O of this case on conclusion of his investigation has filed C.S against this accused and another accused namely Rakesh Biswas who is Indian National and Rakesh Biswas has been granted bail by this court.

Now from the C.S it is axiomatic that allegation leveled against this accused in custody punishable U/S 6 of the POCSO Act. Nonetheless to mention that Section 6 has been added which manifest that the accused had committed a very serious crime. Now since the accused is a Bangladeshi National and if this court grant him bail there is every possibility of him to flee away from justice. In this score with all humility I am disagree with the submission of Ld. Counsel appearing on behalf of the accused that he would appear on each and every date of trial because even if this court considered that the accused may try to appear but as he is Bangladeshi National due to red traffisam it may not be possible for him to appear before the court. On the other way if this accused be kept in custody then his trial may be conducted expeditiously. However, since the I.O has prayed for discharging as many as four F.I.R named accused persons this court has to issue notice upon the defacto complainant of this case.

Whatever may be, considering the entire facts and circumstances of this case, this court feel that it is not at all a fit case to show the leniency of bail to accused Rejaul Karim.

Accordingly, his prayer for bail stands **rejected**.

Fix 20.04.2023 for production, appearance of other accused person and appearance of defacto complainant.

Accused is remanded to J/C till date.

Dictated & Corrected

Judge, Special Court,
Under P.O.C.S.O Act.
Krishnagar, Nadia.

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Under P.O.C.S.O Act.
Krishnagar, Nadia.