

In the Court of Judge Special (POCSO) Court, Barasat, North 24 Parganas

Spl. Case No.02/ 2022

CIS Registration No: 02/22

J.O Code No.WB :00935

Order dated

07.06.2024

Accused persons namely **Sofi Uddin Mondal** and **Sajim Uddin Mondal** are produced from J/C and remanded to further J/C till next date.

One bail application has been filed on behalf of accused persons namely **Sofi Uddin Mondal** and **Sajim Uddin Mondal** praying for bail on the ground stated therein.

Copy of the same has duly been served upon Ld. Spl PP.

Ld. Counsel for the defacto complainant is also found present in court today.

Heard Ld. Advocate for the accused persons who prays for bail on the ground of false implication and innocence. It was further submitted by the Ld. Advocate for the accused persons that there are case and counter case pending between parties to the present proceedings for which there was high probabilities of filing of instant case against the present accused persons on false ground for which he may be enlarged on any stringent conditions. Ld. Advocate for the accused persons have annexed photocopies of relevant documents to substantiate his contention with regard to false implication and prays for bail on any conditions.

Ld. Spl PP opposes prayer for bail on the ground of seriousness of the offence and stage of investigation.

Ld. Advocate representing the defacto complainant also raises objection considering the gravity of offence as well as stage of investigation and also brought to the notice of this court with regard to the sufferings phase by defacto complainant while initiating and registering the case against the present accused persons.

Perused the FIR. Also perused the materials available in the CD. I have carefully gone through the statement of the Vg recorded u/s.164 Cr.P.C. This case has been initiated against the accused persons u/s.341/506/323/34 IPC read with section of 12 of POCSO Act. The accused persons were brought under arrest on 20.05.2024 only after order of re-investigation passed by this court on 23.03.2023.

On perusal of materials on record as well as the material collected by the investigating agency during investigation being reflected from the CD and also giving thoughtful consideration with regard to the contents of the statement recorded by the court of Ld. Magistrate of the Vg as well as her mother u/s.164 Cr.P.C,

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I do not find any incriminating materials against accused **Sajim Uddin Mondal** save and except the allegation with regard to offences falling under IPC and as such I am inclined to allow his prayer for bail as his further detention in J/C is not required in the interest of investigation.

However, considering the materials reflected from the CD as well as the statements of Vg as well as her mother recorded u/s.164 Cr.P.C I do find incriminating materials against accused **Sofi Uddin Mondal** and as such his prayer for bail stands rejected at this stage.

Accordingly, accused **Sajim Uddin Mondal** may find interim bail of Rs.4,000/- with two sureties of Rs.2000/- each one of whom must be an advocate's surety on condition to report before the I.O once in a fortnight until further order and not to influence the Vg or any material witnesses during the stage of investigation in any manner or not to keep in touch with the Vg or any material witnesses either personally or through electronic means subject to the satisfaction of Ld.CJM, North 24 Parganas, Barasat i.d to J/C if on bail todate (21.06.2024) for appearance.

Todate for appearance and production of **Sofi Uddin Mondal**.

CD be returned at once.

Dictated & corrected by

S/d.B. Lama
Judge special POCSO Court

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Barasat, North 24 Parganas