

SPL(POCSO)149/2024

Present: SUTIRTHA BANERJEE[J.O. Code WB-00980]

Judge(Special Court)POCSO Act,
Basirhat, North 24 Pdns

Order no. 14 dated 07/05/2026

The record is put up today on allowing the put up petition filed by accused Kasem Sardar along with a bail application.

He is taken into custody.

Ld. advocate for accused files a bail petition and prays for bail.

Ld. Special Public Prosecutor raises objection.

Heard both sides. Considered.

Perused the F.I.R. and case diary and statement of the V.G. under section 183 BNSS. Charge-sheet already submitted.

It is a case of teenage love affair leading to of non exploitative sexual encounter. Present accused is father of V.G. and against him charge-sheet has been filed under section 10 Prohibition of Child Marriage Act, 2006.

I have traversed the entire gamut of this case and the materials exposited in the CD particularly the statement of the V.G. under section 183 BNSS and after such exercise I find that confinement of the accused person in judicial custody is not an indispensable necessity for the unhindered trial in the case.

It is also apposite to add that the Hon'ble Supreme Court in **Dr. Vinod Bhandari v/s. State of Madhya Pradesh AIR 2015 SCW 1052**, has held:-

"12. It is well settled that at pre-conviction stage, there is presumption of innocence. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of the allegation or the availability of material in support thereof are not the only considerations for declining bail."

Thus mere presence of prima-facie materials must not be the sole criteria of rejection of the bail prayer, especially when bail has been promulgated to be the rule and jail the exception. It is also apposite to add that detention at this stage is not punitive. There is no material to conclude that the accused person has propensity to win over the witnesses or tamper with the evidence if released on bail.

Hence based on the above delineations and voluntary surrender of the accused the prayer for bail stands allowed.

Accused may hence find interim bail of Rs. 2000/- with one surety of like amount, subject to satisfaction of Ld. A.C.J.M., Basirhat i/d to judicial custody till **21/05/2025** with further condition to attend Court on every date and not to commit and/or indulge in any act similar to the offence for which he has been indicted in this case and not directly or indirectly making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court.

If on bail, to date i.e. **05/06/2026** for appearance.

Let a copy of this order be sent to Ld. A.C.J.M., Basirhat for his information and necessary action at once.

Dictated and corrected by me :

Judge(Special Court)POCSO Act
Basirhat, North 24 Pdns

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Basirhat, North 24 Parganas