

POCSO(Spl) 9/2024

02/ 15.01.2024

Accused person namely Akash Shaw is produced from P.C and remanded to J.C till next date.

An application has been filed on behalf of the accused Akash Shaw praying for bail on the grounds stated therein.

At the very outset, Learned Advocate for the accused submits before this Court that no such application u/s 438/ 439 Cr.P.C is either pending and/or disposed of in the negative before any higher forum

Ld Advocate for the present accused submits that the accused has been falsely implicated in this case and he is in J.C since 09.01.2024. He submits that the act between the V.G and the petitioner was consensual. He further submits that he will never abscond, if be released on bail and thereby face trial and therefore the accused may be released on bail.

Ld. Spl. P.P opposes the prayer for bail.

Perused the materials on record and C.D .

It is a case u/s 363/365/34 IPC adding sec. 376 IPC & sec. 6 of POCSO Act. The investigation is at its early stage. Considering the materials in C.D at this stage of investigation for the purpose of investigation, the bail prayer of the accused stands rejected.

Return C.D .

To 29.01.2024 for production ,C.D & I.O's report .

dictated & corrected by me

Judge,Spl. Court (POCSO Act )  
Basirhat, North 24 Parganas

Judge,Spl. Court (POCSO Act)  
Basirhat, North 24 Parganas  
J.O Code : WB 00894

Later,

I.O, S.I Anupam Sardar , of Hingalgunj P.S ,Basirhat Police District has come up this day with a petition , stating inter alia that for the purpose of DNA profiling collection of Blood sample of the accused namely Akash Shaw , V.G. and the lap baby of the victim girl child namely Ridhaniya Shaw are required and he prays for necessary order .

Heard ld. Spl P.P.

Perused C.D and materials on record.

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For the purpose of fruitful investigation of the case and to bring out the truth, the prayer of I.O is considered and allowed.

I.O is directed to take necessary steps in this regard in consultation with Jail authority and the concerned Hospital and subject to the consent of the accused and the victim.

Surety is directed produce the accused before I.O. within seven days from the date of order.

Inform all concerned.

To date.

Dictated & corrected by me

Judge,Spl. Court (POCSO Act.)  
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Heard ld. advocate for accused as well as ld. Spl. P.P.  
Perused C.D & materials on record.

The accused Israfil Laskar has been produced before the court on 27.6.2019 on the basis of Production Warrant and there is sufficient materials in C.D against this accused. Investigation of this case is still on progress and enlargement of the accused on bail at this stage may hamper the investigation of the case.

Considering the same and the nature and gravity of the offence prayer for bail of the accused is considered and rejected.

dictated & corrected by me

Judge,Spl. Court (POCSO Act )      Judge,Spl. Court (POCSO Act)