

In the court of Judge (Special Court) POCSO Act at Basirhat, North 24 Parganas.

Present:- **Smt Leena Goldar , J.O Code : WB 00894**
Judge, Spl(POC) Court ,
Basirhat, Dist.- North 24 Parganas.

Spl.(POCSO) Case No. 24/2024

Order No. 8 Dt. 04.06.24

Accused persons namely Ajahar Biswas @ Azad and Sahanur Biswas is not produced from J.C and an intimation to that effect has been sent to this court. He is remanded to J.C till next date.

An application has been filed on behalf of the accused persons namely Ajahar Biswas @ Azad and Sahanur Biswas praying for bail on the ground stated therein.

At the very outset, Learned Advocate for the accused persons 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 persons moves the bail petition on the ground stated in the petition.

Ld. Spl. P.P raises objection to the prayer for bail.

De facto complainant by filing petition raises objection to the bail petition .

Perused the C.D and the materials on record.

This is a case u/s 447/325/326/307/302/120B/506 IPC & sec. 8/12 of POCSO Act. The allegation against the accused persons is grave and serious in nature. Considering the materials in C.D including the statement of the V.G u/s 164 Cr.P.C, the prayer for bail stands rejected .

To **20.06.2024** for production/ C.D/ I.O's report (holidays intervenes) .

dictated & corrected by me

Judge, Spl. Court (POCSO Act)
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Ld. advocate on behalf of the accused persons has submitted that although the charge under POCSO Act is levelled against the accused Ajahar Biswas @ Azad but there is no allegation under the said Act against the accused Sahanur Biswas . He has further submitted that other two co-accused Anowara Bibi and Hasanur Biswas are on court bail. In the above circumstances the Ld. advocate has prayed for bail on any condition.

Ld. Spl. P.P Mr. Golam Mostafa has raised strong objection against the bail petition. He has submitted that there is specific allegation against both the accused persons Ajahar Biswas @ Azad and Sahanur Biswas highlighting the specific allegation against both the accused persons , statement of the victim and grandmother of the victim, the P.M report of the deceased Jawahar Ali Biswas, seizure list and injury report of the victim. Ld. P.P has submitted that this is a case under4 POCSO Act as well as u/s 302/307 IPC along with other offences and as such considering the heinous nature of crime , he has prayed for rejection of the bail.

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Although the petition is filed on behalf of the *de facto* complainant raising objection against bail application but the ld. advocate is found absent on repeated calls.

Considered the materials on record. Considering the nature and gravity of the offence, specific allegation against both these accused persons as well as considering the statement of the victim

recorded u/s 164 Cr.P.C, seizure list, injury report, stage of investigation and materials in the C.D, prayer for bail stands rejected.

To 04.06.2024 for production of accused persons Ajahar Biswas @ Azad and Sahanur Biswas / C.D/I.O's report. (as summer vacation intervenes) .

dictated & corrected by me

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

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