

42/ 12.11.2024

The accused Mannan Mullick is produced from J.C and is taken into custody and is remanded to J.C.

Other three accused persons namely Rouf Mallick, Razzak Mallick and Sahanara Bibi are present by filing their respective hazira.

In compliance with earlier order dt.26.09.24, DSP,DEB, Basirhat P.D appears before this court and submits his written explanation. A time prayer has been received from the O.C Baduria P.S.

One bail application is filed on behalf of the accused Mannan Mallick and the bail petition is moved.

Learned advocate for the petitioners submits that presently no such application under Section 482/483 of BNSS is either rejected by or pending before any higher forum.

Learned Spl. P.P also submits that there is no noting in the CD regarding such rejection or pendency of such anticipatory bail application before any higher forum.

Ld Advocate for the accused person Mannan Mallicmk moves the bail petition on the ground stated in the petition.

Ld. Spl. P.P is present and raises objection to the prayer for bail.

Heard both sides.

Perused the materials on record. Considered.

In this case charge has been framed u/s 323/376/506 IPC & sec. 6 of POCSO Act. Perusal of the FIR reveals that the accused of this case is the father of the V.G, therefore, the present case is in hand is heinous in nature and punishment of it would be severe in the event of conviction. Considering the FIR, materials on C.D prayer for bail stands rejected.

DSP, SEB Bsirhat P.D is personally present before the court and he has submitted that he is not entrusted with the duty of supervision of POCSO cases and the concerned C.Is and SDPO s and Addl S.P s are the supervisory Authorities. Considering the anomalies of this case as well as the anomalies in other POCSO cases mentioned in the order dt. 26.09.24 I am of the view that the C.I Swarupnagar P.S is directed to remain present in this court to provide satisfactory explanation with regard to the issue of lack of supervision in the POCSO cases.

The explanation report submitted by the DSP,DEB of Basirhat P.D is considered and accepted.

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I have also considered the prayer of O.C Baduria P.S and he is directed to take necessary action in accordance with law so that the copies of report of termination of pregnancy test of the victim girl at Bidhannagar Sadar Hospital , the report of the victim girl issued by Basirhat District Hospital while she was produced before that Hospital in c/w this case, USG test Report of the victim girl, and seizure list of seized urethral swab and vaginal swab of the victim girl, if any, be supplied to the accused and the age of the V.G can be established through proper proof.

He is also directed to remain present before this court on the next date according to the directions dated 30.07.2024 and 26.09.2024 to comply the orders dated 30.07.2024 and 26.09.2024 along with the direction passed today on the O.C Baduria P.S.

Addl. S.P of Head Quarter of Basirhat P.D and SDPO Baduria are also directed to remain vigilant in the matter of supervision of POCSO cases to avoid laches in investigations relating to POCSO cases.

Ld. District P.P has not yet appointed any other Special P.P from the panel of Special P.P of Barasat District Court. Let a letter of reminder be issued to him.

To 09.01.2025 for production / appearance and supply of copy/appearance of O.C Baduria P.S and C.I Swarupnagar P.S.

Let the copies of this order be sent to District P.P, Addl S.P of Head Quarter of Basirhat P.D and SDPO Baduria and O.C Baduria for their necessary information and compliance. BC-II is also directed to send the copies of order dt. 30.07.24 and 26.09.24 to District P.P and C.I Swarupnagar and O.C Baduria.

Dictated & corrected by me

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

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

