

SPL 141/2025

Present: SUTIRTHA BANERJEE [J.O. Code WB-00980]
Additional District & Sessions Judge , Basirhat
North 24 Prgns

Order no. 9 dated 17/11/2025

Accused Tapas Sarder produced from judicial custody through audio video linkage.

Accused Sandhya Sardar who is bail, present by filing hazira.

De-facto complainant also enters appearance.

Bail application filed for accused person in custody.

Ld. Special P.P. files hazira and is present.

De-facto complainant enters hazira and tenders objection through Ld. Special Public Prosecutor.

Chairman, SDLSC requested to appoint Ld. advocate from panel of SDLSC to represent the de-facto complainant henceforth.

At the very outset, Learned Advocates for the accused person submits before this Court that no such application u/s 482/483 BNSS is either pending and/or disposed of in the negative by any higher forum. Ld. Advocate for accused prays for bail on ground of false implication and submits that case is actually false which is evident from the belated nature of complaint. It is submitted that there was love affair between the parties and produces a photograph submitting that de-facto complainant herself gave V.G. in marriage to accused for which she should be guilty also. Ld. advocate for accused person prayed for bail submitting that investigation was complete and accused would face trial and would not abscond.

Ld. Special Public Prosecutor raises objection citing nature and gravity of alleged offences, materials in case diary and tender age of the V.G.

Heard both sides. Considered.

Perused the record and case diary including statement of the V.G. and report of Medico legal examination which are grossly incriminating. Though complaint is admittedly delayed that is no ground to disbelieve the case in entirety going by materials in case diary.

V.G. prima facie minor now and also at time of alleged incident so her consent , of marriage, if any, pales into insignificance. As for the de-facto complainant's alleged involvement in giving marriage, she will be liable as per law if such allegation is true but materials in case diary do not appear to suggest that de-facto complainant was a willing participant in marriage. In fact the plea of the accused that de-facto complainant took part in the marriage- as per his own version- in a way corroborates the case against him.

IN view of nature and gravity of alleged offences, materials in case diary qua the accused I am not at all inclined to enlarge the accused person on bail.

Bail prayer of accused stands rejected.

Accused be remanded to judicial custody till 1/12/2025.

To 01/12/2025 for production and order on taking cognizance.

Return C.D. Call for case diary again on date fixed.

It appears that copies for supply to the accused are not in Form A, and no index of copies was also furnished and I.O. despite specific direction has not appeared today

I.O. is directed to remain present on date fixed i/d necessary order.

Let a copy of this order be sent to I.O. concerned for his information and necessary action at once.

Dictated & corrected by me

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

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