

S.C (Spl) No.57 of 2024

Or. No.1,

Dt.7.2.26.

Both the accused persons, namely, **1) Azad Ansari @ Pintu and 2) Sk. Sahid @ Sk. Shakil** are produced from JC. They are taken into custody and remanded further to JC till next date.

Ld. Defence lawyer and Ld. Spl. P.P are present.

Defacto complainant is also present.

The record is now taken up for consideration of charge.

It appears that C.S has been submitted against the accused **1) Azad Ansari @ Pintu** that on 9.8.2024 in the morning, in furtherance of common intention with Sk. Sahid @ Sk. Shakil kidnapped the child survivor (male) from his house and wrongfully confined him in order to murder him and voluntarily caused grievous hurt upon him by dangerous weapon/instrument over his head as by that act it can cause death of such child and also on several times voluntarily caused hurt to the complainant along with her children and also threatened them to cause death and on 9.8.2024 repeatedly raped the complainant and once he took the daughter of the complainant aged about 12 years in a jungle and made sexual intercourse with her several times.

And accused **2) Sk. Sahid @ Sk. Shakil** on 9.8.2024 in the morning, in furtherance of common intention with **1) Azad Ansari @ Pintu** kidnapped the child survivor (male) from his house and wrongfully confined him in order to murder him and voluntarily caused grievous hurt upon him by dangerous weapon/instrument over his head as by that act it can cause death of such child or likely to cause death and also caused hurt to the complainant of this case along with her children.

Accordingly the charge is framed against accused **1) Azad Ansari @ Pintu** U/s.137(2)/140(3)/140(1)/118(2)/109(2)/3(5)BNS including U/s.115(2)/351(3)/64(2)(m) BNS and U/s.6 of the POCSO Act and against **2) Sk. Sahid @ Sk. Shakil** U/s.137(2)/140(3)/140(1)/118(2)/109/115(2)/3(5) BNS.

The charge so framed is read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Strictly comply U/s.207 Cr. P.C/230 BNSS and R.91A of Cr. R.O.

Prosecution is also directed to produce the witnesses and alamats, if any, on the dates fixed.

Now the pending bail petition in respect of the accused Sk. Sahid @ Sk. Shakil is taken up for hearing. Heard all sides.

Ld. Advocate for the accused submits that this accused is in custody since long and he is totally innocent and falsely implicated in this case. He also stated that from the statements of the complainant and her minor daughter and son recorded U/s.183 BNSS there is nothing against the accused Sk. Sahid @ Sk. Shakil. He also asserted that there is no allegations of POCSO materials against his client and there is no need to hear the defacto complainant during hearing of his bail prayer. He also added that after investigation I.O has already submitted charge sheet in this case. So there is no need to detain the accused behind the bar any further.

Ld. Spl. P.P vehemently opposed the prayer for bail saying that there are sufficient materials against this accused under sections of several BNSS. Ld. Spl. PP admits that there are no ingredients under POCSO Act against this accused.

Defacto complainant is also present. As the Ld. Spl. P.P admits that there are no ingredients under POCSO Act against the accused Sk. Sahid @ Sk. Shakil, so there is no need to hear the defacto complainant during consideration of bail prayer of the accused. So defacto complainant is not heard during hearing of bail prayer of the accused today.

Perused the available materials before this court including the CD and found that there are sufficient materials against the present accused. If it is considered that there are prima facie no materials against the accused under POCSO Act but there are sufficient materials against this accused under the sections of several BNSS. Besides, if the accused is released on bail at this stage, there are every possibility of tampering evidence. So, considering the nature and gravity of the offence, prayer for bail of this accused is considered and rejected.

Fix **2.06.2026, 3.6.2026 and 4.6.2026** for recording evidence of prosecution witnesses and **production** of the accused persons.

Issue summons upon the witnesses accordingly.

OC/IC of Purulia (T) PS is directed to produce the witnesses and alamats, if any on the dates fixed positively.

Dictated & Corrected by me

Addl. Sessions Judge
2nd Court, Purulia cum
Spl. Judge under POCSO Act.
(J.O Code No.WB00729)

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