

SC (Spl) No.32 of 2024
(ST No.72 of 2024)

Or No.1

Dt.16.07.2024.

The accused Kamdeb Kumar @ Deb Kumar is produced from J.C and he is taken into custody and remanded to JC till next date.

Ld. Spl. P.P and Ld. Defence lawyer is also present.

Defacto complainant is also present.

Today is fixed for hearing on the point of discharging of FIR named accused Akash Kumar. It appears that the charge sheet was submitted with a prayer for discharging of the accused Akash Kumar since no material could be found available against him.

Heard the Ld. Spl. P.P. Perused the C.D as well as materials on record. Also heard the defacto complainant who has no objection regarding discharge of the accused Akash Kumar.

Considering all, let the FIR named accused Akash Kumar be discharged from this case.

Cognizance is taken.

It is found that copies U/s.207 Cr. P.C has already been supplied.

Record is now taken up for consideration of charge.

It appears that C.S has been submitted against the accused person after conclusion of investigation initiated on the basis of written complaint lodged by the **father** of the minor victim girl that the accused on 15.4.24 at about 12.30 p.m or thereafter in any time kidnapped the minor victim girl and wrongfully confined her in secret place and raped the minor victim girl several times, being aggravated penetrative sexual act. The materials available on record are sufficient to prove and harbour the charge that may be framed against the accused person.

Accordingly charge is framed against accused person for the offence U/s.363/365 IPC and U/s.6 of the POCSO Act r/w S.376 IPC.

The charge so framed is read over and explained to the accused person in Bengali to which he pleaded not guilty and claimed to be tried.

Charge framed against the accused person in separate sheet is kept with the record.

Record is now taken up for hearing the bail petition filed on 9.7.24.

Perused the materials of the case record as well as the case diary.

Ld. Advocate for the accused person submitted that accused has been falsely implicated in this case. He is innocent. He is in custody since long. The investigation is complete. In the statement recorded U/s.164 Cr.P.C there is nothing against the accused. So on any ground he prayed for bail.

Ld. Spl. P.P opposed the prayer for bail of the accused by submitting that this is a case U/s.363/364 IPC and adding S.6 of the POCSO Act. The VG is only 14 years old. There are sufficient materials against the accused.

The defacto complainant raised no objection against the prayer for bail of the accused.

After hearing submissions of all sides and having gone through the case record, as well as case diary, it is found that it is a case U/s.363/365 IPC and S.6 of the POCSO Act. Disclosing materials in C.D justifies further detention of the accused behind the bar. Hence, considering the nature and gravity of the offence, this court is not inclined to grant bail to the accused. Hence the prayer for bail is **rejected**.

Dates for trial is fixed hereunder :

To 9.12.2024, 10.12.2024 and 11.12.2024 for production of the accused person and for evidence from prosecution side.

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

C.D be returned.

Dictated & Corrected by me

Addl. Sessions Judge
2nd Court, Purulia.
(J.O Code No.WB00729)

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2nd Court, Purulia.
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