

Special (POCSO Act) Case No. 05/2022
CNR No. WBPU05- 000016-2022
J.O. Code No. WB00642

Order No.05
Dated : 04.04.22

Today is fixed for production of the accused person, hearing on the bail petition dated 24.03.22 submitted by the accused Bijoy Kumar Chowdhury and production of the CD.

Accused Bijoy Kumar Chowdhury is produced from Raghunathpur Sub Correctional Home and he is remanded to J.C. till 18.04.22.

A bail petition is filed on behalf of the accused along with Vokalatnama duly executed by the accused Bijoy Kumar Chowdhury and accepted by ld. Advocate Lalit Majee. One Affidavit duly sworn by Pratima Chowdhury is also filed.

Ld. Advocate Amalendu Banerjee appears before the court as Spl. P.P.

Since today one bail petition has been filed on behalf of the accused by ld. Advocate Lalit Majee, the bail petition filed on 24.03.22 by the accused through Controller, Raghunathpur Sub Correctional Home becomes not maintainable and thus it is rejected.

The I.O. has produced the C.D.

Now, the record is taken up for hearing on the bail petition filed today on behalf of the accused Bijoy Kumar Chowdhury. Copy of the bail petition has already been supplied to the ld. Spl. P.P.

Heard both sides.

Ld. Advocate for the accused submits that the accused is an innocent person and he has been falsely implicated in this case. He submits that the allegation as contained in the written complaint does not attract the offence punishable u/s 12 of the POCSO Act. He further submits that the allegation as contained in the written complaint does not attract the offence punishable u/s 354B of the IPC. He submits that the written complaint discloses long standing rivalry between the parties. He prays for bail of the accused person.

Ld. Spl. P.P. submits that this is a case u/s 354B/447 of the IPC and u/s 12 of the POCSO Act. He submits that he has gone through the CD which contains the statement of the VG recorded u/s 164 Cr.PC. He candidly submits that he finds no material to raise strong objection against the prayer for bail and thus he leads the matter on the shoulder of this court.

Perused the materials on record coupled with the CD. It appears to me that this is a case u/s 354B/447 of the IPC and u/s 12 of the POCSO Act and the accused is named in FIR. It appears to me that the accused was arrested and produced before the court of ld. ACJM, Raghuanthpur on 20.03.22 and since then he is in J.C. On perusal of the CD it appears to me that the investigation is going on continuously. It appears to me that the statement of the VG was recorded u/s 164 Cr.PC as well as u/s 161 Cr.PC by lady police officer. It is found that the VG refused her medical examination. It is seen that the I.O. has recorded the statement of so many witnesses u/s 161 Cr.PC. It is found that the IO has not yet collected the CDR of the mobile SIM number of the accused. I find that there is no sufficient prima facie evidence in the CD to attract the offence punishable u/s 12 of the POCSO Act as well as offence punishable u/s 354B of the IPC.

Contd.....

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Continuation.....
Order dated 04.04.22

Now, considering the facts and circumstances of this case as well as considering the materials on record and the CD I find that there is nothing to refuse the bail prayer of the accused person.

Accordingly, I am inclined to allow the prayer for bail.

Thus, the accused Bijoy Kumar Chowdhury may find **interim bail** of Rs.5000/- as **cash surety** to be deposited with the Cash Section (Judicial Cash) of the Office of Ld. ACJM, Raghunathpur with the condition to meet the IO twice in a week on every Tuesday and Friday in between 10:00 a.m. to 6:00 p.m. and with the condition not to disturb the victim girl or not to make any effort to contact with the VG and to appear before the court on each and every date so fixed by this court i.d. to J.C.

Let a copy of this order sheet be sent to the **Ld. ACJM, Raghunathpur for her information** and for issuance of proper **direction to the Cashier** of her office to receive cash amount of Rs.5000/- from family members of the accused or any person on behalf of the accused against proper receipt.

Thus, the bail petition dated 04.04.22 is disposed of.

CD be returned.

To date (**18.04.22**) for appearance of the accused person on interim bail, if cash surety bond is furnished and I.O.'s report.

Dictated & corrected by me

Judge, Special Court

Judge, Special Court under POCSO Act
Cum
Additional Sessions Judge
Raghunathpur, Purulia