

Special ST - 18(07) 21

Special Case No.35/21

CNR - WBSP01-002427-2021

Present : Umesh Singh (JO Code - WB00783)

Judge, Special Court & 2nd A.S.J.,

Alipore, South 24-Parganas.

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29.07.2021

Accused Salauddin Kayal is produced from judicial custody through V.C.S. Today is fixed for hearing of bail petition dated 01.07.2021 and consideration of charge.

Learned Special P.P-in-Charge is present.

Learned Defence Counsels is also present.

Learned Special P.P-in-charge opens the case by describing the charges to be framed against the accused person.

Heard both sides. Perused the materials on record and C.D.

On perusal of the same, I find sufficient materials against the accused Salauddin Kayal under section 363/365/376 of I.P.C and Sec 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Charge is framed accordingly against the accused Salauddin Kayal under section 363/365/376 of I.P.C and Sec 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 on separate sheet of paper and the same is kept with the case record.

The content of the charge is read over and explained to the accused person in Bengali to which he pleads not guilty and claimed to be tried.

The identity of the victim girl is required to be kept confidential as per provisions of **Sec 33 (07) of POCSO Act, 2012** as well as **under the direction of the Hon'ble Supreme Court in Nipun Saxena Vs Union of India and the direction of the Hon'ble High Court, Calcutta in Bijoy @ Guddu Das Vs The State of West Bengal**. So, to prevent the disclosure of the identification of said victim girl, her name and address are not mentioned in the above said charge form.

Fix 01.10.2021 for evidence of VG.

Heard both sides on bail prayer of accused.

Learned advocate for accused submitted that this accused has been implicated in this case falsely. This accused is in custody since long. No bail petition is pending or rejected before any higher forum. Accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P opposed the bail prayer.

Perused the material on record and in CD.

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Contd....Order No.1 dated 29.07.2021

Charge has been framed. Considering the nature of allegation and material in CD, I find no pressing need for custodial trial of this accused. Accordingly, his bail application is considered and allowed.

Accused Salauddin Kayal may find bail of Rs. 10,000/- (Rupees ten thousand only) with two registered sureties of Rs.5,000/- (Rupees five thousand only) each subject to satisfaction of learned C.J.M Alipore with condition that he shall attend the Court regularly and shall not contact or influence or threaten the VG or witnesses during trial of this case, in default to J.C till date i.e. 01.10.2021.

If on bail, to date i.e. 01.10.2021 for appearance of accused and evidence of VG.

Issue summon accordingly.

D/C by me

Sd/-Umesh Singh
A.S.J 2nd Court, Alipore
South 24 Pgs

Sd/-Umesh Singh
Addl. Session Judge
2nd Court Alipore
South 24 Pgs