

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore  
**Special Case No. 86/2026**  
**CNR: WBSPO1-003198-2026**

Ref.: Garfa PS Case no: 35/2026 Dated : 03.03.2026  
U/Sec.8 of the Protection of Children from Sexual Offence Act, 2012

Present : Mahua Roy Basu (JO Code - WB01001)  
Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas. (In-charge)

Order No.01  
Dt. 05.03.2026

Received original record from the Court of Ld. CJM, Alipore along with relevant documents.

The accused Somnath Banerjee (61 years) is produced before this Court from J/C.

Let the case be registered under POCSO Act.

Mr. Biswajit Shaw, Ld. Advocate has entered appearance by filing a fresh Vakalatnama. One bail application has also been filed by the Ld. Advocate for the accused. The bail application is taken up for hearing in presence of both sides.

Ld. Advocate for the accused person has submitted that the accused has falsely been implicated in this case and he is innocent.

Ld. Advocate has further submitted that notice u/Sec.35(3) of BNSS has not been served to the accused. Thus, he prayed for bail of the accused in any condition.

Ld. Special PP-in-Charge raised objection against the prayer for bail.

Heard Ld. Advocate for the accused and the Ld. Special PP-in-Charge.

I have perused the materials on record and CD.

This is a case u/Sec.8 of POCSO Act. Considering the fact that notice u/Sec.35(3) has not been served to the accused in terms of the statutory mandates, I am inclined to allow the prayer for bail.

Accused Somnath Banerjee may find bail on furnishing bail bond of Rs.10,000/- with two sureties of Rs.5000/- each subject to the satisfaction of Ld. CJM Alipore and on condition that the accused shall not enter into the vicinity where the victim resides till further order.

IO's prayer for recording the statement of the two victim girls (one minor and one major) is allowed.

**Learned A.C.J.M, Alipore** is requested to record the statement of the two **victim girls aged about 14 years and 19 years** u/s 183

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BNSS either personally or by deputing any other Magistrate within 48 hours following the procedure as laid down in section 25 and 26 of the POCSO Act, 2012 and to forward the same to this Court without undue delay. In view of the direction of the Hon'ble High Court, Calcutta vide Judgment dated 16.12.2021 delivered by the Hon'ble Justice Bibek Chawdhuri in **CRA 517 of 2017** (Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal) the learned Magistrate is also requested to take care and to take necessary steps so that the identities of the **victim girls** are not disclosed during recording of the statement of the two victim girls. **The I.O.** of this case is directed to produce the two victim girls before the Ld. Magistrate for recording their statement.

If on bail, fix **05.09.2026** for appearance and IO's report.

Return CD.

D/C by me

Sd/-  
A.S.J 2<sup>nd</sup> Court, Alipore  
South 24 Pgs

Sd/-  
Addl. Session Judge  
2<sup>nd</sup> Court Alipore, South 24 Pgs