

IN THE 2nd COURT OF THE ADDITIONAL SESSIONS JUDGE, ALIPORE

Special ST - 04(12)24

Special Case No.70/2023

CNR - WBSP01-003672-2023

Present : Rimpa Roy (JO Code - WB00822)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

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06.12.2024

Accused person namely **Mostakin Dhali** is produced from JC through VCS.

Today is fixed for consideration of charge.

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

Learned Defence Counsel is also present.

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

Perused the materials on record and C.D.

On perusal of the same, I find sufficient materials against the accused person namely Mostakin Dhali under section 376AB 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 person namely Mostakin Dhali under section 376AB 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 contents of the charges is read over and explained to the accused person in Bengali to which he pleaded 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** and also in **Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal**. So to prevent the disclosure of the identification of the said victim child, his / her name and address are not mentioned in the above said charge form.

At this stage one bail application has been filed on behalf of the accused.

Ld. Advocate for the accused person has submitted that the accused is innocent and has been falsely implicated in this case. Ld. Advocate has further submitted that his client is in no way connected with the alleged offence. Thus, he prayed for bail of the accused person in any condition.

Ld. Special P.P. raised objection against the prayer for bail.

Heard both sides. Perused the CD, statement of the VG recorded u/Sec.164 Cr.P.C. and other materials in the case record.

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Contd...Order No. 1 Dated 06.12.2024

It transpires from the CD and the statement of the victim that there are sufficient incriminating materials against the accused. Thus having considered the nature and gravity of the offence, I am not inclined to enlarge the accused person on bail.

Hence, the prayer for bail is rejected. Let the accused be remanded to J/C till the next date.

Fix **07.02.2025** for production and evidence of VG.

IO is directed to produce the VG on the next date of evidence.

D/C by me
Sd/-

A.S.J 2nd Court, Alipore
South 24 Pgs

Sd/-

Addl. Session Judge
2nd Court Alipore
South 24 Pgs