

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

**Special Case No. 68/2021**

**CNR – WBSP01-004028-2021**

Ref.: Bishnupur PS Case no:231/21 Dated : 11.04.2021

U/s 376(3) of I.P.C and Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

Present :Umesh Singh (JO Code - WB00783)

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

Alipore, South 24-Parganas.

State .....Vs. Saifuddin Mallick @ Munna

Order No.01

Dt.12.04.2021

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, Medical examination report of accused, two seizure lists dated 11.04.2021, prayer for P.C of the accused, Medico-legal Examination of the accused, prayer for recording statement of victim girl u/s 164 Cr.P.C, forwarding report and other documents.

Register the same as Special Case No.68 of 2021 u/s 376(3) of I.P.C and Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

Accused Saifuddin Mallick @ Munna (21 years) is brought under arrest. He is taken into custody.

A bail petition has been filed on behalf of accused person alongwith fresh vokatnama.

Learned advocate for accused moves his bail petition and submits that this accused is totally innocent and has been falsely implicated in this case. This accused is the permanent resident within the jurisdiction of this Court and there is no chance of his abscondance. Hence he prays for his bail imposing any terms and conditions.

Learned Special P.P raises objection.

Heard both sides. Perused the materials on record and CD.

Considering the gravity of offence and initial stage of investigation, bail prayer of accused Saifuddin Mallick @ Munna stands rejected.

I.O has made prayer for P.C of this accused for five days for the purpose of investigation.

He has also made prayer for recording statement of victim girl u/s 164 of Cr.P.C and medico-legal examination of accused.

Heard learned Special P.P as well as the I.O. Perused the prayers.

Prayers of the I.O are considered and allowed for the purpose of investigation.

Accused Saifuddin Mallick @ Munna is remanded to police custody till 16.04.2021. I.O is further directed to observe the guidelines of the Human Right Commission and direction of the Hon'ble Supreme Court regarding police custody of the said accused person. I.O is

Contd...

**Special Case No.68/2021**Contd...Order No.01

Dt.12.04.2021

also directed to take all necessary steps for medical check-up of the accused at regular intervals and not to make any kind of torture during P.C period.

The identity of the minor 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.**

Accordingly, I.O is directed to take care and to take necessary steps so that the identity of the victim girl is not disclosed during the investigation of this case.

Learned A.C.J.M., Alipore is requested to record the statement of victim girl u/s 164 Cr.P.C either personally or by deputing any other Magistrate within 48 hours. Learned Magistrate is also requested to record the statements of the witness 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.

The I.O. of this case is directed to take further instruction from the learned Magistrate regarding the production of the victim girl for recording her statement.

The Superintendent of Baruipur Sub-Divisional Hospital, Baruipur, South 24 Pgs is requested to hold the medico-legal examination on the accused and send the report as early as possible. The I.O is also directed to produce the accused to concerned hospital on the schedule date.

Supply a copy of the statements to the I.O as and when the same is received.

Inform the learned Additional Chief Judicial Magistrate by sending a copy of this Order along with photocopy of written complaint and formal F.I.R.

To 16.04.2021 for production of accused from P.C and I.O's report.

D/c by me.

Sd/-Umesh Singh  
Judge, Special Court &  
2nd A.S.J., Alipore.

Sd/-Umesh Singh  
Judge, Special Court &  
2nd A.S.J., Alipore.