

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 71/19

Ref.:Anandapur PS Case no: 94/19 Dated : 18.04.2019
U/s 363/376 I.P.C read with section 4 of the Protection of Children from Sexual Offence Act, 2012.

Present : Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs....Nilkanta Nayak

Order No.01

Dt.22.04.2019

Received the case record from the Court of ld. Addl. Chief Judicial Magistrate, Alipore by transfer for disposal in connection with the above mentioned PS case no.

Register the same as Special Case.

Accused Nilkanta Nayak is produced from J.C in person.

Bail petition of the accused Nilkanta Nayak has been moved before this Court.

Ld. Lawyer of the accused person submitted before this Court to keep the bail petition and it will be moved after recording statement of VG as because this is a case of love affair, thereafter bail petition of this accused should be considered.

Ld. Special P.P submitted before this Court that police custody of this accused is required till 05.05.2019 for proper investigation and at the same time, she also prayed to record statement of VG u/s 164 of Cr.P.C.

On perusal of record, I find that it is very initial stage of investigation where prayer of statement of VG recorded u/s 164 of Cr.P.C is pending. Under such circumstances, question of granting bail to this accused person does not arise. Since ld. Lawyer of accused submitted before this Court that bail prayer should be considered after recording statement of the VG u/s 164 of Cr.P.C. Hence considering his prayer, let the bail petition of this accused be kept with this record and it will be considered only after recording statement of VG u/s 164 of Cr.P.C. Considrig this view police custody prayer of the I.O for accused is allowed till 30.04.2019.

Investigating Officer is directed not to torture the accused person in police custody. He is also directed to get the accused person examined by Government Medical Officer at the conclusively of 48 hrs. She is also directed to obey the guide line of Hon'ble Supreme Court in this regard.

Prayer of the I.O for recording statement of VG is allowed.

Ld.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 ld. Magistrate under his control to record the same in connection with this case as early as possible.

The I.O. of this case is directed to produce the victim girl on the date,time and place, as fixed by the concerned office.

To 30.04.2019 for production of accused person from P.C and hearing bail petition.

D/c by me.

Sd/-Sudhir Kumar
Judge-in-Charge, Special Court &
2nd A.S.J., Alipore.

Sd/-Sri Sudhir Kumar
Judge-in-Charge, Special Court &
2nd A.S.J., Alipore.

Later Order No. 01 dated 22.04.2019

The record is being sent to Ld A.C.J.M, Alipore for recording the statements of victim girl u/s 164 of Cr.P.C, Hence skeleton record is opened.

To date (i.e 30.04.2019) for production of accused person from P.C and hearing bail petition.

D/c by me.

Sd/-Sudhir Kumar
Judge-in-Charge, Special Court &
2nd A.S.J., Alipore.

Sd/-Sri Sudhir Kumar
Judge-in-Charge, Special Court &
2nd A.S.J., Alipore.