

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

Special Case No. 167/2024

CNR:WBSPO1-006963-2024

Ref.: Jadavpur PS Case no: 82/2024 Dated : 16.05.2024

U/s 366A of I.P.C., and Sec 04 of the Protection of Children from Sexual Offence Act, 2012

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

State Vs. Tapu Halder.

Order No.05

Dt. 12-07-2024

The accused Tapu Halder is produced from J/C through VCS.

Received the charge sheet being no. 84 of 2024 dated 11-07-2024 filed against the sole accused person under sections 366A of IPC and section 4 of POCSO Act.

The I.O. submitted the charge sheet after completion of investigation within the time framed, which is appreciable.

Cognizance is taken.

Let copy be supplied to the accused person.

The bail petition, filed on behalf of the accused on 09-07-2024 is taken up for hearing.

Heard both sides.

Ld. Advocate for the accused person submitted that the accused is innocent and has been falsely implicated in this case and he will not abscond if he be enlarged on bail. No bail petition is either pending or rejected by any higher forum. Thus, he prayed for bail of the accused person in any condition.

The defacto complainant is present before the Court and raised objection against the prayer for bail.

The Victim Girl is present before the Court through VCS and raised objection against the prayer for bail.

Ld. Special P.P. in-charge raised objection against the prayer for bail.

Perused the CD and other materials on record.

Considered.

It appears that in this case charge sheet has been submitted under sections 366A of IPC and section 04 of POCSO Act. The victim is aged about more than 16 years. The I.O., at the time of filing of charge sheet has not recommended for custody trial of this case. The prosecution also did not make such prayer. I have perused the charge sheet. I am of considered opinion that there is no need for custodial trial of this case. The accused is in custody for a considerable period of time. There is hardly any chance of immediate disposal of the case. Considering all these, I am inclined to enlarge the accused on bail.

Accordingly, the accused Tapu Halder may find bail of Rs. 5,000/- (rupees five thousand only) with two sureties of Rs. 2,500/- (rupees two thousand five hundred) each one of whom must be a local surety subject to satisfaction of learned C.J.M Alipore with condition that the accused person shall not enter into the jurisdiction of Jadavpur P.S.

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where the victim resides and he will submit the detailed address to the Court as well as to the I.O. of this case where he is residing after getting the bail and to attend the Court regularly i.d to J.C. The Officer-in-charge, Jadavpur P.S. is at liberty to arrest the accused if the accused violates any condition as imposed in granting bail without any further reference to this Court.

If on interim bail to 16.11.2024 for appearance of accused person.

Let a copy of this order be sent to the O/C, Jadavpur P.S. for information.

Return CD.

D/c by me.
Sd/-

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

Sd/-

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