

Special Case No.162/21

CNR-WBSP01-009810-2021

Present : Pradip Kumar Gangopadhyay (WB00900)

Judge-in-Charge, Special Court & 2nd A.S.J.,

Alipore, South 24-Parganas.

Order No.02

Dt.27.08.2021

Accused Rabi Banik, Putul Banik, Susmita Banik and Madhumita Banik surrender before the Court and files a petition and relevant document praying for bail. They are taken into custody.

Bail petition of four accused persons has been moved by their learned advocate alongwith fresh vokalatnama.

Heard both sides.

Learned advocate for the accused persons submits that these accused persons are completely innocent and have been implicated in this case falsely. They are in no way connected with the alleged offence. They will neither abscond nor evade the trial. They are the permanent resident of the jurisdiction of this Court and there is no chance of their absconsion. Today they voluntarily surrender before the Court and pray for bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record.

Considered the allegations against the accused persons and considering the fact that they have surrendered voluntarily I am inclined to enlarge these accused persons on A/I bail.

Accordingly accused persons namely accused Rabi Banik, Putul Banik, Susmita Banik and Madhumita Banik may find A/I bail of Rs.5,000/- (Rupees five thousand only) each with two registered sureties of Rs.2,500/- (Rupees two thousand five hundred only) each upto 10.09.2021 subject to satisfaction of learned C.J.M Alipore, in default to J.C.

If on bail to 10.09.2021 for appearance and I.O's report.

I.O has made prayer for recording statement of the VG u/s 164 Cr.P.C

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

Prayer of the I.O is considered and allowed for the purpose of investigation.

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.

Contd....

Special Case No.162/21
CNR-WBSP01-009810-2021

Contd.....Order No.02

Dt.27.08.2021

Learned Magistrate is also requested to record the statement 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.

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.

Let the seizure listd dated 26.08.2021 alongwith Zimmanama submitted by Investigating Officer be kept in the case record. I.O is permitted to retain the seized article in accordance with law.

To date i.e.10.09.2021 for appearance and I.O's report.

D/c by me.

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

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