

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

Special Case No. 395/2025

CNR: WBSP01-010706-2025

Ref.: Canning PS Case no: 509/2025 Dated : 25.07.2025

U/s 65(2) of BNS and Sec.6 of the Protection of Children from Sexual Offence Act, 2012.

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

Order No.04

Dt. 07.08.2025

Accused Babai Naskar (26 years) is produced before this Court from J/C.

Today is fixed for hearing of the bail application. The same is taken up for hearing in presence of all sides.

Ld. Advocate for the accused person has submitted that the accused has falsely been implicated in this case and he is innocent. Ld. Advocate has further submitted that his client is in custody for a considerable period. Thus, he prayed for bail of the accused in any condition.

Ld. Special PP-in-Charge raised objection against the prayer for bail.

Defacto complainant is personally present along with her Ld. Advocate. Defacto complainant raised no objection against the prayer for bail. She also filed one affidavit to that effect on 28.07.2025.

Perused the CD and materials on record including the statement of the VG recorded u/Sec.183 BNSS.

It appears from the statement of the victim girl recorded u/Sec.183 BNSS that there is not a single allegation to attract offence under POCSO Act against the present accused. It also appears that the victim girl refused to get herself medically examined during her medico-legal examination. From the materials in record and CD I do not find any ingredient to attract Sec 6 of POCSO Act. Considering the above facts and circumstances and also considering the period of detention suffered by the accused, I am inclined to allow the prayer for bail.

Accused Babai Naskar may find *interim bail* on furnishing bail bond of Rs.10,000/- with two sureties of Rs.5,000/- each subject to the satisfaction of Ld. CJM Alipore and on condition that the accused shall not enter into the vicinity where the victim resides till further order i.d. to J/C till 21.08.2025.

If on bail, fix **11.03.2026** for appearance and IO's report.

Return CD.

D/c by me.

Sd/-

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

Sd/-

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