

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No. 401/2025
CNR WBSP01-010930-2025

Ref.: Thakurpukur PS Case no: 256 Dated : 30.07.2025
U/s 74/78 of BNS and Sec. 8/12 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.01

Dt. 31-07-2025

The accused Somnath Das (52 years) is brought under arrest and produced before this Court along with relevant documents. He is taken into custody and remanded to J/C.

A bail petition has been filed on behalf of the accused along with one Vakalatnama.

I.O of this case has made prayer for J.C of this accused.

Bail prayer 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. Ld. Advocate has further submitted that notice u/Sec.35(3) of BNSS has not been served to the accused. Ld. Advocate also submits that the accused is mentally unstable and physically ill. Ld. Advocate also files some medical documents by firstly to substantiate his claim. Thus, he prayed for bail of the accused in any condition.

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

Heard Ld. Advocate for the accused and the Ld. Special PP-in-Charge.

Perused the materials in CD.

This is a case u/Sec. 8/12 of POCSO Act. Considering the fact that the statutory mandate of servicing notice u/Sec.35(3) BNSS has not been complied with and also considering the ill health of the accused, I am inclined to allow the prayer for bail.

Accused Somnath Das may find *interim bail* on furnishing bail bond of Rs.5000/- with two sureties of Rs.2500/- each subject to the satisfaction of Ld. CJM Alipore and on condition that the accused shall not enter within the vicinity where the victim resides and shall meet with the IO once in a week till further order.

Prayer of the IO for recording statement of the victim girl u/Sec.183 BNSS is allowed.

Learned A.C.J.M, Alipore is requested to record the statement of the **victim girl and the complainant** u/s 183 BNSS either personally or by deputing any other Magistrate within 48 hours 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. In view of the direction of the Hon'ble High Court, Calcutta vide Judgment dated 16.12.2021 delivered by the Contd...

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Hon'ble Justice Bibek Chawdhuri in **CRA 517 of 2017** (Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal) the learned Magistrate is also requested to take care and to take necessary steps so that the identity of the victim girl is not disclosed during recording of the statement of the victim girl and the complainant.

The I.O. of this case is directed to produce the victim girl and the complainant before the Ld. Magistrate for recording their statement.

If on bail, fix **07.03.2026** 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.