

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

Special Case No.210/2022

CNR – WBSP01-011924-2022

Ref.: Maheshtala PS Case no: 406/2022 Dated : 07.08.2022

U/s 448/506/509/376AB of I.P.C and Sec 10 of the Protection of Children from Sexual Offence Act, 2012

Present :Manas Ranjan Sanyal (JO Code - WB00666)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs Anil Harijan

Order No.01

Dt.08.08.2022

Received the case record alongwith F.I.R bearing Maheshtala PS Case no: 406/2022 Dated : 07.08.2022 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.210/2022 u/s 448/506/509/376AB of I.P.C and Sec 10 of the Protection of Children from Sexual Offence Act, 2012.

Accused Anil Harijan is produced from J.C.

A bail petition has been filed on behalf of the accused.

Heard both sides.

Learned advocate moves bail application on behalf of accused and submits that accused is innocent and he has been falsely implicated in this case. The allegation levelled against him are false, fabricated, concocted and baseless. No bail prayer is pending or rejected before any higher forum. Accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record.

Considering the nature and gravity of the allegation bail prayer of accused stands rejected at this initial stage of investigation.

I.O has made prayer for recording statement of the VG u/s 164 Cr.P.C and medico-legal examination of accused.

Heard learned Special P.P-in-Charge as well as the I.O. Perused the prayers.

Prayers of the I.O are 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** and also in **Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal**.

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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 statements of victim girl u/s 164 Cr.P.C 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 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.

Supply a copy of the statement 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.

The ACMOH (Medico-legal), South 24 Pgs is requested to conduct medico-legal examination on the accused and send the report as soon as possible.

The Superintendent of Baruipur Central Correctional Home is directed to hand over the accused to the I.O on the Schedule date.

The I.O is also directed to produce the accused to concerned hospital on the schedule date.

To 22.08.2022 for production of accused and I.O's report.

Dictated & Corrected
by me

Sd/- Manas Ranjan Sanyal
Addl. District Judge
2nd Court Alipore

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Additional District Judge
2nd Court Alipore