

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.209/19

Ref.: Rabindra Sarobar PS Case no:223/19 Dated :20.10.2019
U/s 8 of the Protection of Children from Sexual Offence Act, 2012.

Present : Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

StateVs...Kishore Halder

Order No.01

Dt.30.10.2019

Received the case record from the Court of Id. Chief Judicial Magistrate, Alipore by transfer for disposal in connection with the above mentioned PS case no.

Register the same as Special Case.

Accused Kishore Halder is produced from J.C in person.

Bail petition of this accused person has been moved by his Id. Advocate.

Copy served. Objection noted.

Ld. Lawyer of accused submits before this Court that this accused person has been falsely implicated in this case. So he prays for bail to this accused person.

Ld. Special P.P opposed the bail petition submitting that it is initial stage of investigation.

Heard both sides. Perused the materials on record and case diary. Considered.

On perusal of record, I find that it is initial stage of investigation and question of granting bail to this accused person does not arise at this stage as because it is a case u/s 8 of the Protection of the Children from Sexual Offences Act, 2012. Statement of the victim girl has not been recorded u/s 164 of Cr.P.C. Considering the nature of offence and materials in record, I am not inclined to grant bail to this accused person.

Hence the bail petition of this accused person is rejected.

Accused be remanded to J.C till 13.11.2019.

However, it comes from the I.O's prayer for remand that the accused is suffering from dengue and accordingly Superintendent of Presidency Correction Home is directed to provide proper medical assistance to the accused in J.C for his suffering.

Here I would like to mention that in POCSO cases, accused persons are supposed to produce before this Court through V.C.S as per specific direction passed by Id. District Judge, Alipore vide order no.17-G dated 07.01.2017. Hence considering production of accused person before this Court through V.C.S, this Court has no option but to shift accused person from Presidency Jail to Baruipur Central Correctional Home.

Let a copy of his order be sent the Superintendent of Presidency Correctional Home and Baruipur Central Correctional Home for information and taking necessary action.

To 13.11.2019 for production.

D/c by me.

Sd/-
Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

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