

Special Case No.209/19

Order No.10
Dt.08.01.2020

Accused Kishor Halder is produced from J.C through V.C.S.

Received Rabindra Sarobar P.S charge sheet no.01/2020 dated 07.01.2020 for offences punishable under section 8 of Protection of Children from Sexual Offences Act, 2012. filed against accused Kishor Halder along with copies of documents.

Perused copies of documents filed u/s 173 Cr.P.C. Considered.

Cognizance is taken.

Now bail petition of this accused person has been moved by his ld. Advocate.

Copy served. Objection noted.

Ld. Advocate for the accused submitted that this accused person has been falsely implicated in this case and is in J.C since 28.10.2019 and that charge sheet has been submitted in this case and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of bail.

Ld. Special P.P raised strong objection by submitting that though I.O has submitted charge sheet u/s 8 of POCSO Act, 2012 but the Medical Report of the victim girl is supportive of allegation of section 6 of POCSO Act, 2012.

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

On consideration of the same, I find that charge sheet has been submitted against the accused person u/s 8 of the Protection of the Children from Sexual Offences Act, 2012. Considered the statement of the victim girl and the witness recorded u/s 164 of Cr.P.C along with other materials in record. Considered also the Medical Report of the victim girl which shows that there are prima facie substance in the submission of the prosecution. Moreover the victim girl has identified the accused during T.I Parade. Considering gravity of offence and materials in record, I am not inclined to allow bail prayer of this accused person.

Hence, the bail application of the accused Kishor Halder stands rejected.

To 25.02.2020 for production and supply of copy.

Let a copy of this Order be sent to the Deputy Commissioner of Police, South-Eastern Division for information and necessary action against the I.O of this case.

Return C.D.

D/c by me.

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

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