

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

**Special Case No. 272/2022**

**CNR – WBSP01-016109-2022**

Ref.: Jibantala PS Case no: 429/2022 Dated : 25.10.2022

U/s 376AB/376C of I.P.C read with Sec 6 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.

State Vs.Jakir Hossen @ Sanfui

Order No.01

Dt.28.10.2022

Received the case record alongwith F.I.R bearing Jibantala PS Case no: 429/2022 Dated : 25.10.2022 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.272/2022 u/s 376AB/376C of I.P.C read with Sec 6 of the Protection of Children from Sexual Offence Act, 2012.

Accused Jakir Hossain Sanfui is brought under arrest. He is taken into judicial custody.

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

Heard both sides.

Learned advocate moved bail application on behalf of accused and submits that this accused person 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 person may be enlarged on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record and case diary.

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

The I.O of this case has made prayer for recording statements of the VG u/s 164 Cr.P.C.

Heard learned Special P.P as well as the I.O. Perused the prayer.

Prayer of the I.O is 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 statement 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.

The I.O. of this case is directed to take further instruction from the learned Magistrate regarding the production of the victim girl for recording her statement.

Supply a copy of the statements 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.

To 10.11.2022 for production of accused from J.C, awaiting statement of the victim girl and I.O's report.

D/c by me.

Sd/-Manas Ranjan Sanyal  
Judge, Special Court &  
2nd A.S.J., Alipore.

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