

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

Special Case No.301/2022

CNR – WBSP01-017343-2022

Ref.: Jibantala PS Case no: 451/2022 Dated : 17.11.2022

U/s 376DA of I.P.C and section 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.Abdul Mannan Molla

Order No.01

Dt.18.11.2022

Received the written FIR, formal FIR, Inspection Memo, Memo of arrest, check list, medical report of the accused alongwith forwarding report and other documents.

Register the same as Special Case No.301/2022 u/s 376DA of I.P.C and section 6 of the Protection of Children from Sexual Offence Act, 2012.

Accused Rahul Sk. @ Sajahan Sk. and Abdul Mannan Molla are brought under arrest. They are taken into judicial custody.

A bail petition has been filed on behalf of the accused persons from learned advocate from standing panel of DLSA, Alipore.

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 of the allegation bail prayer of accused persons stands rejected at this initial stage of investigation.

I.O has made prayer for 7 days P.C of this accused for the purpose of investigation. He has also made prayer for recording statements of the victim girl and one minor witness Khadeja Khatun u/s 164 Cr.P.C and medico-legal examination of accused.

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

Prayers of the I.O are considered and allowed for the purpose of investigation.

Accused Rahul Sk. @ Sajahan Sk. and Abdul Mannan Molla are remanded to police custody till 24.11.2022. I.O is further directed to observe the guidelines of the Human Right Commission and direction of the Hon'ble Supreme Court regarding police custody of the said accused persons. I.O is also directed to take all necessary steps for medical check-up of the accused at the regular intervals and not to make any kind of torture during P.C period.

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**

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**Bijoy @ Guddu Das Vs The State of West Bengal and also in Prabir
Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal.**

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 and one minor witness Khadeja Khatun 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 and other witnesses for recording their statements.

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 24.11.2022 for production of accused from P.C 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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