

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore  
**Special ST No. 04(09)16**  
**Special Case No. 175/2016**  
CNR: WBSPO1-019299-2016

Present : Rimpa Roy (JO Code - WB00822)  
Judge, Special Court & 2nd A.S.J.,  
Alipore, South 24-Parganas.

Order No.91  
Dt. 29.11.2024

The accused Ispinder Molla is produced from J/C through VCS.

Today is fixed for evidence.

Witness Bikash Chandra Mondal is present in Court. He is examined and cross-examined in full as P.W. 9 / CSW 20 and discharged. The endorsement on the written complaint is marked as Exhibit – 4/2, formal FIR along with signature of PW 9 as Exhibit P-11 and P-11/1.

At this stage one bail application has been filed.

The same is taken up for hearing.

Ld. Advocate for the accused person has submitted that the accused has suffered 1/3rd of the maximum punishment as such he is entitled to be released on bail.

Ld. Special P.P. raised objection against the prayer for bail.

Perused the CD, statement of the VG recorded u/Sec.164 Cr.P.C. and other materials in the case record.

In this case charge has been framed against the accused under sections 376(2)(i) of IPC and section 6 of POCSO Act. It transpires from the record that the instant offence was committed in the year 2015. According to Sec.6 of the POCSO Act the maximum punishment was for imprisonment of life and according to Sec.376(2)(i) of IPC the maximum imprisonment is also of life. According to Sec.436A Cr.P.C. the accused can avail the benefit if he has undergone half of the maximum imprisonment.

Thus having considered the facts and circumstances I have no hesitation to hold that the accused is not entitled to get the benefit u/Sec.436A Cr.P.C. Accordingly prayer for bail is rejected.

Accused be remanded to JC.

Fix **18.12.2024** for production of the accused from J/C through VCS and evidence.

D/c by me.  
Sd/-

Judge, Special Court &  
2nd A.S.J., Alipore

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