

In the 1<sup>st</sup> Court of Addl. Sessions Judge and Special Court under POCSO Act.

**Special Case 36 of 2022**  
**(CNR No. WBSP07-0022822022)**

**Present: Sri Bibhas Chatterjee (J.O. No.WB00702),  
Additional Sessions Judge, 2<sup>nd</sup> Court, Sealdah  
and 1<sup>st</sup> A.S.J. Court-in-charge & Special Court  
under POCSO Act, Sealdah**

**Order No.04 dtd 03.9.2022**

This day is fixed for production of the accused namely Sk. Sahid from JC and I.O's report.

One bail petition has been filed by the advocate on behalf of the accused above named.

The accused is produced from J.C. as ordered.

The IO has not filed his report till this day.

The bail petition is taken up for hearing wherein the Ld. Advocate prays for releasing the accused on bail on the ground stated therein.

Perused the bail petition.

Heard Ld. Advocate for the accused and also heard Ld. Special PP.

Ld. Advocate for the accused person submits before this Court that initially the offence has been labelled against the accused U/s 324/326/114 of IPC and subsequently the new section has been added under section 376(3) IPC read with section 6 of POCSO Act. Ld. Advocate tries to draw the attention of the court that investigation has been proceeded since 15.8.2022 and the accused is behind the bar since that date. Ld. Advocate further submits that there was a love affairs in between the accused and the victim and the accused has been falsely implicated in connection with this case. Ld. Advocate finally submits that the accused is languishing custody from 15.8.2022 and he is aged about only 24 years and if the accused be released on bail at this stage he will cooperate with the IO as regards to the investigation and accordingly, prays for releasing the accused on bail by imposing any condition upon him.

Ld. Special P.P raises vehement objection against the instant bail prayer and also submits that the investigation is in process and there are heinous allegation against the accused person. He again submits that when the

investigation is in process and if the accused be released on bail at this stage, the prosecution case will be prejudiced and accordingly, he prays for rejection of the prayer for bail.

Considering rival submissions of the both the parties and on perusal of the case diary and other materials on record it goes to show that the prosecution has placed a prima facie materials where the involvement of the accused can not be ruled out. Not only that there are serious and heinous allegations labelled against the accused person.

This is the case under section U/s 324/326/114 of IPC and subsequently the new section has been added under section 376(3) IPC read with section 6 of POCSO Act.

The investigation is in procession, hence, considering the nature and gravity of the offence and prima facie materials available on record in the CD, I am of the view that the bail prayer of the accused deserves no merit to get success at this stage. Hence, the bail petition stands rejected. C.D. be returned.

To 16.09.2022 for production of the accused and IO's report.

D/c by me

1st A.S.J. Court-in-charge  
Sealdah

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Sealdah