

In the 1st 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, 2nd Court, Sealdah
and 1st A.S.J. Court-in-charge & Special Court
under POCSO Act, Sealdah**

Order No.05 dated 16.9.2022

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.

No report has been filed by the IO 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 along with CD and memo of evidence.

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

Ld. Advocate for the accused submits that initially, the dispute took place between the the family members of the accused and family members of the victim and due to the previous grudge the instant case has been filed falsely against the accused. Ld. Advocate again submits that in view of the FIR, initially the instant case was started under section 324/326/114 IPC and subsequently, sections 363/376(3) IPC read with section 6 of POCSO Act has been added in this case without any basis after 22/25 days. Ld. Advocate finally submits that the accused is languishing since 15.08.2022 and if he be released on bail at this stage, when the investigation has already been completed , the prosecution case will be prejudiced.

Ld. Special PP raises strong objection against the instant bail prayer and submits that the investigation is in process and if the accused be released on bail at this stage, the effort the investigating agency will be frustrated in collecting the evidence and accordingly, prays for rejection of the instant bail prayer.

Considering the submissions of Ld. Advocate for the accused and Ld. Special PP and on perusal of the entire materials on record with the case diary, it reveals that the investigation is in full swing.

This is a case under section 324/326/114 of IPC along with added sections 363/376(3) IPC read with section 6 of POCSO Act. On perusal, I find that the submission of Ld. Special PP is justified. There are several materials and entries in the CD which go to show that the prosecution has placed prima facie materials where the involvement of the accused in commission of the alleged offences can not be ruled out.

In view of the above circumstance, I am of the view that the bail prayer of the accused deserves no merit to get success at this stage. Hence, considering the nature, gravity and seriousness of the offence, the bail petition stands rejected. C.D. be returned.

To 03.11.2022 (ensuring puja vacation) 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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