

In the 1st Court of Addl. Sessions Judge and Special Court under POCSO Act.

Special Case No. 36 of 2022 (R-37 of 2022)

(CNR No.WBSP070022822022)

**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.09 dated 30.11.2022

Today is fixed for production of the accused persons named Sk. Shahid

The accused person above named is produced from JC.

Bail petition has been filed by the Id. Advocate on behalf of the petitioner/accused person namely, Sk. Shahid praying for releasing him on bail on the ground as stated therein.

Bail petition is taken up for hearing.

Heard Ld. Special PP.

Ld. Advocates for the accused person submits before this court that the accused person has been falsely implicated in this case and was behind the bar for a prolonged period i.e, from 15.08.2022. Ld. Advocate also tries to convince this court by submitting that the investigation has already been completed and there is no justifiable reason to detain the accused behind the bar and accordingly, prays for releasing him on bail by imposing any condition upon him.

Ld. Special P.P raises strong objection against the instant bail prayer and submits that the charge sheet has been submitted against the accused person along with another accused person after completion of investigation U/s 324/326/363/376(3)/114 IPC read with section 6 of POCSO Act. Ld Special PP further submits that other accused person is still at large and also submits that if the above named accused be released on bail there is a possibility of fleeing away from justice and accordingly he prays for rejection of the bail prayer.

Considering the rival submissions of both sides and on perusal of

the case diary along with the materials on record, it reveals that the instant case has been culminated in filing of the charge sheet against the accused persons vide charge sheet no. 273 of 2022 dated 27.09.2022 U/s 324/326/363/376(3)/114 IPC read with section 6 of POCSO Act.

We know that filing of charge sheet is a substantive development in course of investigation in changed circumstances. Not only that when the charge sheet has been filed against the accused person there is prima facie case established against him. Not only that I would like to mention that charge has yet to be framed and releasing of the accused from the custody at this juncture where the prosecution has not even commenced to examine the main witnesses of this case including victim, it would prove the detrimental of the eventual outcome of the trial. Hence, bail petition stands rejected. C.D. be returned.

To 03.12.2022 for production of the accused person and supply of copy.

D/c by me

2nd Addl. Sessions Judge and
1st A.S.J. Court-in-charge

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Sealdah