

In the 1<sup>st</sup> 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, 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.10 dated 03.12.2022**

Today is fixed for production of the accused person named Sk. Shahid and supply of copy.

The accused person above named is produced from JC.

The copy the charge sheet and other relevant documents are supplied to the accused under section 207 Cr.P.C.

Bail petition has been filed by the ld. Advocate on behalf of the above named petitioner/accused 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 charge sheet has been submitted in the instant case against the accused U/s 324/326/363/376(3)/114 IPC read with section 6 of POCSO Act and as such there is bleak possibility to tamper with the prosecution evidence and no purpose will be served if the accused is detained in the custody at this stage 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 this court was pleased to reject the bail prayer of the accused/petitioner twice on the earlier occasions and he further submits that that the charge has been submits against the accused person after completion of investigation U/s 324/326/363/376(3)/114 IPC read with section 6 of POCSO Act which denotes a prima facie establishment of the offence labelled against the accused 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 15.12.2022 for production of the accused person and framing of charge.

D/c by me

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

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