

CIS-12/2025
Spl. Pocco-12/2025
J.O. Code-WB00875

Order No. 09

Dated: 08.05.2025

Today is fixed for physical production of accused Balaram Halder from JC, supply of copies, hearing of bail petition and consideration of charge.

Accused Balaram Halder is physically produced from JC and he is represented by his Ld. Counsel.

Ld. Spl. PP in charge namely Sri Swapan Maity files hazira for the State along with hazira of defacto complainant.

SR of notice received duly served upon DC.

Copies served upon accused.

A petition is filed for accused praying for consideration of charge on ground stated therein.

Heard. Perused.

Time prayer is allowed.

Counter affidavit filed by prosecution against the bail petition.

C.D. is produced.

The case record is taken up for hearing of bail petition filed for accused.

At the very outset, Ld. Defence Counsel submits that no bail petition in respect of this accused in connection with this case is pending or rejected by any upper forum. It is submitted that the accused is in J/C since 03.02.2025. It is further submitted that the alleged incident occurred on 01.02.2025 and FIR was lodged on 02.02.2025. The complaint has been lodged out of political rivalry. The instant case has been lodged falsely against the accused person. That apart the investigation is already over. There is a contradiction in the statement of mother of VG recorded before Ld. Magistrate and with that in FIR. Hence, is the prayer for bail of the accused.

Ld. Spl. P.P. in-charge opposes the bail petition and submits that V.G. is only 5 years old. The statements of VG and witness before Ld. Magistrate show serious allegation against this accused. The photo of PO is in the CD.

Considering the materials on record as well as in CD, it is found that there are serious allegation against this accused. Keeping in mind the reverse burden of proof in cases under provisions of POCSO Act, this Court at this stage is not inclined to release the accused on bail.

Accordingly, bail petition filed for accused Balaram Halder is rejected.

Return the C.D.

Fix 18.06.2025 for physical production of accused Balaram Halder from JC and consideration of charge.

Next date be intimated to the Controller, Diamond Harbour Sub-Correctional Home regarding production of accused through VC.

D/C by me,

A.S.J. 1st Court
& Spl. Pocco Court,
Kakdwip, South 24 Parganas

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