

Special POCSO Case No. 67/2024
(J.O.Code-WB00859)

Order No. 15

Dated: 09-04-2025

Today is fixed for hearing of bail petition filed for accused Jahangir Khan on 20.03.2025.

Accused Jahangir Khan is produced from JC through VC.

Accused Jahangir Khan is represented by his Ld. Counsel.

Ld. Spl. P.P. in-charge namely Smt. Haimabati Sinha Barma is present.

The D/C is present.

C.D. is produced.

Both sides are present.

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 30.01.2025. It is further submitted that the medical examination of VG was conducted on 04.12.2024. There are two statements of VG recorded by Ld. Magistrate on 18.12.2024 and 02.01.2025 and the said statements are contradictory to each other. There was love affairs in between the accused and VG. The injury report of the VG shows no injury on her private parts. The alleged incident occurred on 20.11.2024 and FIR was lodged on 22.11.2024. The house of defacto complainant and the house of accused are situated within two different police stations. The accused has been falsely implicated and investigation is already over and 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 13 years of age and this accused is FIR named. Materials in CD including the statements given by VG before Ld. Magistrate show sufficient allegation against this accused. Initially as the VG was in trauma so she could not properly disclose the incident before Ld. Magistrate. There is medical document in CD which also supports the prosecution case.

On perusal of the CD, it appears that the investigation of this case has completed resulting in submission of charge sheet u/s 6 of POCSO Act. However, the CD discloses that the VG was examined by the Ld. Magistrate u/s 183 BNSS once when she was at the Home and again thereafter. The first statement of the VG does not incriminate the accused person whereas the second statement incriminate the accused person. In the second statement, the VG stated that she was taken to Chennai by the accused person whereas during her medical examination, she disclosed before the doctor that she was taken to Mumbai. Thus, there are substantial contradictions in the statement of the VG.

According to this Court, the materials available in the CD do not suggest custody trial of the accused person. A Court of law must be very cautious while curtailing the liberty of movement of any citizen as the same is his fundamental right.

Considering the materials on record and the fact that the investigation of the case is over and the accused person is in custody for more than 70 days, this Court is inclined to grant interim bail to the accused person.

The accused person namely Jahangir Khan may find interim bail of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each subject to the satisfaction of the Ld. A.C.J.M, Kakdwip and subject to further conditions that while on bail the accused person will not make any attempt to influence the witnesses and he shall attend the court on regular basis without any default.

CD be returned.

If on bail to 10.06.2025 for appearance of the accused person and consideration of charge.

The interim bail shall continue till 10.06.2025.

Let a copy of this order be sent to the Ld. ACJM, Kakdwip for information.

Dict. & Corr. by me

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.
(in-charge)

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.
(in-charge)