

Spl. Pocso-45/2025
CNR No. WBSP150005912025
(J.O.Code-WB00875)

Order No.43

Dated: 16.07.2026

Today is fixed for physical production of the accused Sk. Mostakin from JC, appearance of the rest four accused persons on Court bail and report of I.O. regarding the status of judicial enquiry of custodial death of accused Sk. Ismail and consideration of charge.

Accused Sk. Mostakin is physically produced from JC and he is represented by his Ld. Counsel.

Three accused persons on Court bail are present by filing hazira.

No steps taken by accused Sk. Motirul.

Ld. Spl. P.P. in-charge namely Smt. Anupama Jana files hazira for the State along with hazira of DC.

SR of summons received duly served upon DC.

Separate hazira filed for DC along with fresh Vokalatnama in favour of Ld. Advocate Smt. Arpana Chakraborty.

A petition is filed by D.C. submitting that she has no objection if bail is granted to accused Sk. Mostakin.

C.D. is produced.

Both sides are present.

The case record is taken up for hearing of bail petition filed for accused person namely Sk. Mostakin.

At the very outset, Ld. Defence Counsel submits that no bail petition u/s 482 BNSS or 483 BNSS in respect of this accused person in connection with this case is pending or rejected by any upper forum. It is submitted that the accused person is in custody since 14.06.2025 and the case was initiated on 07.06.2025 against six accused persons. This accused person is the son of principal accused who has already expired. Investigation is already over and charge sheet submitted against accused persons. The specific provisions of law under which the accused Sk. Mostakin has been charge sheeted is u/s 85/117(2)/109/238/3(5) BNS. This accused person is totally innocent and has got no nexus with the alleged rape and death of VG. This accused is the father of deceased and was not present at the time of commission of alleged offence. Hence, is the prayer for bail of the accused person.

Ld. Spl. P.P. in-charge opposes the bail petition and submits that the deceased VG was 7 years old. The post-mortem report, medical documents and statements of witnesses in CD show allegation against this accused person. This Court rejected the bail petition of this accused several times.

Ld. Counsel appearing for defacto complainant raises no objection if bail is granted to accused.

On being asked, defacto complainant submits that she has no objection if bail is granted to accused, who is her husband.

I have heard both sides and have perused the CD as well as materials in hand.

It appears that accused Sk. Mostakin has been charge sheeted u/s 85/117(2)/109/238/3(5) BNS.

Defacto complainant has got no objection to the bail prayer of accused.

Considering the period of detention undergone by accused Sk. Mostakin, materials in CD including the materials in hand as well as the prayer of defacto complainant and as investigation is already over, I am inclined to grant bail to accused person namely **Sk. Mostakin and he is entitled to get bail amounting to Rs. 8,000/- with two registered sureties of Rs. 4,000/- each**, subject to satisfaction of Ld. ACJM, Kakdwip on condition that he shall attend before this Court on each and every dates of the further proceedings of this case subject to provision of Section 317 Cr.PC/355 BNSS and also he shall not give any type of threat or inducement to the witnesses and would not tamper with evidence in any manner, failing which this order shall stand cancelled without any further reference.

Return C.D.

I.O is directed to furnish the present status of judicial inquiry of custodial death of accused Sk. Ismail by next date so fixed.

The case is adjourned considering the resolution of local Bar Association.

Fix **20.11.2026** for physical production/appearance of accused Sk. Mostakin and appearance of rest four accused persons on Court bail and consideration of charge and report of I.O. regarding the status of judicial enquiry of custodial death of accused Sk. Ismail.

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

Let a copy of this order be sent to I.O for compliance.

Dict. & Corr. by me

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.

Additional Sessions Judge, 1st Court
& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.