

**Spl. Pocso-45/2025
(J.O.Code-WB00875)**

Order No. 24

Date 18-11-2025

Today is fixed for physical production of three accused persons from JC, appearance of three accused persons on Court bail and hearing of bail petition filed for accused Momena Bibi and Sk. Mostakin and service of copies.

Three accused persons are physically produced from JC and they are represented by their Ld. Counsel.

Rest three accused persons on Court bail are present by filing two separate haziras.

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.

C.D. is produced.

Both sides are present.

The case record is taken up for hearing of bail petition filed for accused persons namely Momena Bibi and Sk. Mostakin.

At the very outset, Ld. Defence Counsel submits that no bail petition u/s 482 BNSS or 483 BNSS in respect of these accused persons in connection with this case is pending or rejected by any upper forum. It is submitted that the accused persons are in custody since 14.06.2025 and the case was initiated on 07.06.2025 against six accused persons. These accused persons are the husband and sasuri of defacto complainant. Investigation is already over and charge sheet submitted against accused persons. The specific provisions of law under which the accused Momena Bibi has been charge sheeted is u/s 85/238/3(5) BNS and accused Sk. Mostakin has been charge sheeted u/s 85/117(2)/109/238/3(5) BNS. These accused persons are totally innocent and have got no nexus with the alleged rape and death of VG. Hence, is the prayer for bail of the accused persons.

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 these accused persons.

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

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

Considering the period of detention undergone by accused Momena Bibi, materials in CD including the materials in hand as well as the allegations which have come out against this accused in CD and as investigation is already over, I am inclined to grant bail to accused person namely **Momena Bibi and she 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 she 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 she shall not give any type of threat or inducement to the DC and would not tamper with evidence in any manner, failing which this order shall stand cancelled without any further reference.

Regarding the bail petition for accused Sk. Mostakin, considering materials in CD as well as nature of alleged offence and the allegations levelled against him by defacto complainant, I am not inclined to release this accused on bail at this stage.

Accordingly, bail petition filed for accused Sk. Mostakin is rejected at this stage.

Copies be supplied.

Return C.D.

Fix **17.12.2025** for physical production of two accused persons from JC, appearance/production of four accused persons on Court bail and consideration of charge.

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

Dict. & Corr. by me

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

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& Special Court under POCSO Act,
Kakdwip, South 24 Parganas.