

**Special POCSO Case No. 60/2025
(J.O.Code-WB00875)**

Order No. 05

Date: 16.09.2025

Today is fixed for production of accused Sanjit Halder from JC through VC, appearance of accused Goutam Halder on Court bail and hearing of bail petition and IO's report.

Accused Sanjit Halder is not produced from JC through VC due to network issues, but he is represented by his Ld. Counsel.

Accused Goutam Halder on Court bail is absent by filing petition through his Ld. Legal Aid Advocate namely Rejina Rahaman and subsequently he is present by filing hazira.

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

SR of summons received duly served upon VG.

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

During court of hearing, at the very outset, Ld. Defence Counsel submitted 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 custody since 10.08.2025. There was love affairs in between VG and this accused. VG is 16 years old and the accused is 19 years of age. Hence, is the prayer for bail of accused.

Ld. Spl. P.P. in-charge opposed the bail petition and submits that V.G. is minor and is pregnant. She was recovered from the possession of this accused. The consent of minor VG is no consent at all in such cases. At present VG is with her father in her house.

I have heard Ld. Spl. PP in charge, Ld. Defence Counsel as well as defacto complainant and the victim girl (who is present in Court today).

I have gone through the materials in CD. The accused is in custody since 10.08.2025. I have gone through the statement of VG recorded by Ld. Magistrate as well as through the medical documents in CD. I have carefully perused the FIR and taken note of the injury report. It is found that no external injury found while examining VG.

In POCSO cases the most crucial factor while granting bail is the victims age at the time of the offence. In this case the victim is 16 years old at the time of commission of alleged offence. For offences under POCSO Act in cases of hearing of bail petition, it is required to take into consideration various factors primarily including the nature of the offence, the heinousness of the crime, the punishment involved and the role of the accused. In (2022) 8 SCC 559, the Hon'ble Apex Court has been pleased to note the considerations for a Court while granting bail to an accused that are as follows:- 1. Whether there is any prima-facie or reasonable ground to believe that the accused had committed the offence, 2. Nature of gravity of accusation, 3. Severity of the punishment in the event of conviction, 4. Danger of the accused absconding or fleeing, if released on bail, 5. Character, behaviour, means, position and standing of the accused in society, 6. Likelihood of the offence being repeated, 7. Reasonable apprehension of the witnesses being influenced and 8. Danger of Course of justice being thwarted by the grant of bail. The Hon'ble Court has also been pleased to lay down the following considerations in addition to the aforesaid considerations that should be kept in mind while considering the grant of bail to an accused in matters relating to sexual offences especially POCSO Act- 1. Age of the victim, 2. Age difference between victim and accused, 3. Ferociousness of the offence, 4. Relationship between victim and accused and 5. Vicinity of residence of the accused and victim and if they are in proximity then the accused is willing to reside elsewhere till the pendency of trial.

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It is also the settled principal of law that a consensual relationship between the accused and the victim, especially if the victim is near the age of consent may be considered while hearing bail petition of accused. The Court must balance the right of liberty of accused with the need to protect the victim and society. The medical report indicates whether there is evidence of recent sexual activity which can be a crucial factor in determining whether the accused is likely to be convicted. The medical reports can corroborate or contradict the victim's statements and the prosecution's claims which can be significant in bail considerations. The medical reports also detail the nature and extent of injuries sustained by the victim, which can help assess the severity of the offence and whether it falls under the provision of POCSO Act. Courts often refer to past cases and legal precedents when deciding on bail applications. If there are previous cases where the severity of injuries was a significant factor in bail decisions, the Court may consider those precedents when evaluating the current cases.

In the case in hand, I have considered the age of the victim as well as her relationship with the accused. I have also considered the age of the accused. I have also gone through the injury report in CD as well as the statement made by VG before Ld. Magistrate. I have heard VG in person who states that she loves the accused person and submits that accused is innocent. On being asked, DC states that he has nothing to submit before this Court.

In the above backdrop, considering the period of detention undergone by this accused as well as nature of alleged offence, other materials in hand, I am inclined to grant interim bail to accused person namely Sanjit Halder and he is entitled to get interim bail till next date amounting to Rs. 12,000/- with two registered sureties of Rs. 6,000/- 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 V.G and her family members and would not tamper with evidence in any manner whatsoever, failing which this order shall stand cancelled without any further reference.

Return the CD.

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

Fix 25.09.2025 for production from JC through VC/appearance of accused and IO's report.

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.