

CIS-40/2024
Spl. Pocso-40/2024
J.O. Code-WB00875

Order No. 15

Dated: 31.01.2025

Today is fixed for appearance of accused and hearing of petition filed by Ld. Spl. P.P in charge on 12.11.2024.

Sole accused Tamij Sk. on Court bail is present by filing hazira.

Ld. Spl. PP in-charge namely Smt. Madhumita Debta files hazira for the State along with her appointment letter.

Heard both sides on petition dated 12.11.2024. Perused.

During Course of hearing Ld. Spl. P.P in charge submits that this Case was initiated on 24.08.2024 and accused was arrested on that very date and produced before Ld. Court on 25.08.2024. It is further submitted that the copy of challan filed on 12.11.2024 before this court goes to reflect that Charge sheet was submitted on 22.10.2024. So the charge sheet was already filed within 60 days and as such the accused was not entitled to get default bail as was prayed for on 06.11.2024. Ld. Spl P.P in charge further adds that de fault bail was granted to this accused on 06.11.2024, which he was not entitled to get and the accused got the bail by keeping this court in dark regarding the date of submission of charge sheet. Hence is the prayer for cancellation of bail granted to accused.

Ld. Counsel representing the accused raised objection and submits that Charge Sheet was submitted on 29.10.2024 before Ld. A.C.J.M Kakdwip as this Court was closed due to Puja Vacation. The copy of challan showing submission of Charge Sheet on 22.10.2024 before G.R Section was not available either with accused or before this Court at the time of hearing of bail petition. Ld. Counsel further adds that the accused had no scope to file default bail application prior to 05.11.2024 as the court opened after puja vacation on 04.11.2024 and on that date no steps were taken by Ld. Advocates due to resolution of local Bar Association regarding death of one of their Ld. Members.

I have heard both sides at length and have gone through the available materials in hand.

It clearly reflects from order dated 06.11.2024 that on that date Ld. Spl. P.P in charge prayed for time for bail hearing on ground that C.D was not available. At the same time Ld. Spl. P.P in charge raised no objection in hearing of bail petition in absence of C.D, when she came to learn that accused had prayed for getting default bail. As such this Court proceeded to hear the bail petition filed for accused. It also goes to show from order dated 06.11.2024 that bail was granted to accused by considering all materials available and also taking into consideration that as Charge Sheet has already been submitted no further custodial detention was necessary. Accused was not released on statutory bail as reflects from the said order.

So on the above score, the prayer of prosecution for cancellation of bail of accused is devoid of any merit and hence is rejected.

Copies supplied to accused.

Court diary is congested.

Fix 10.04.2025 for appearance and consideration of charge.

D/C by me,

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

A.S.J. 1st Court, Kakdwip
& Spl. Pocso Court,
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