

POCSO Case No. 03.2021
CNR NO. WBUD01-000034-2021
J.O Code: WB00894

Order No.5
Dated: 26.02.2021

Today is fixed for production and filing appointment letter.

No appointment letter is filed today.

The accused person is produced before this Court and is remanded to J.C till 25.03.2021. A bail petition is filed by the accused **Jayanta Sarkar @Bura**.

The record is taken up for hearing the bail petition.

The Id. Advocate for the accused person is present

The Id. Special P.P is present.

The Id. Advocate for the accused person moving the bail application submits that this accused is falsely implicated in this case and the accused is in custody since 20.12.2020. The Recovery Memo will speak that the Victim Girl was not at all recovered from the house of the accused as the said Memo does not bear the signature of any of the family members of the accused or any neighbor of his locality according to the provision of Cr.P.C. He submits that the statement of the V.G was not taken within 24 hours of recovery and it indicates that there was enough time to tutor her. He further submits that Medical examination of the accused does not indicate any sorts of penetrative sexual assault on the Victim Girl. His further submission is that the C.S in this case has been submitted and therefore there is no chance of hampering the investigation if the accused be released on bail. Thus, he submits that the the accused may be released on bail on any condition.

The Id. Special P.P has submitted that in this case the Charge Sheet has been submitted U/S 363/365 of I.P.C adding Section 4 of POCSO Act and therefore prima facie case against the accused has already been established and therefore he has strong objection against the bail prayer.

Hd. both sides. Perused the materials on record. Considered.

This is a case U/S 363/365 of I.P.C adding Section 4 of POCSO Act. The statement of the V.G under section 164 Cr.P.C does not support the version of accused rather strengthens the prosecution case. The Recovery Memo of the V.G was not only signed by the V.G or her father but it was also signed by another witness and therefore the submission of Id. Advocate for the accused regarding recovery of V.G from the house of accused is not tenable at this stage. Till now, I find that there is enough incriminating materials in the C.D against the accused person. When the charge sheet has already been submitted U/S 363/365 of I.P.C adding Section 4 of POCSO Act then I find the prima facie case has already been established against the accused and he shall not be released on bail at this stage. Hence, bail prayer stands rejected.

Fixing **25.03.2021** for production and for filing appointment letter.

Dictated & corrected

by me

In-charge
Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur

In-charge
Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur

