

POCSO- 12 of 2026
CNR No. WBUD01-000634-2026
J.O Code-WB-00699

Order No. 02

Dated. 05.03.2026

Record is put up today.

Accused Md. Hedatullah is produced after arrest. He is taken into custody and remanded to J/C till 18.03.2026.

Bail petition is filed on behalf of the accused.

Copy is served upon Ld. PP.

The defacto complainant has appeared by filing Vakalatnama.

Heard Ld. Advocates of all sides in respect of the bail petition.

Ld. Advocate for the accused submitted that this is a case where the allegations is in respect of landed dispute. It has been alleged that all the accused persons have assaulted the victim who is the husband of the defacto complainant. The primary allegations is against accused no. 1. this accused is FIR named accused no. 3. There is no specific allegations against this accused in the FIR. Apart from the fact all the accused persons had trespassed into the house of the complainant and they outraged the modesty of the defacto complainant and her minor daughter. Ld. Advocate further submitted that only due to this much allegations against the accused persons, Pocso Act was added. This is mainly an allegations of assaulting the victim. As there is no specific allegations against this accused, he may be granted bail on any condition.

Ld. PP. raised formal objection and submitted that this is otherwise a case of assault and the allegations under section 12 of the Pocso Act is a generalized allegation. Moreover, the individual role played by any accused cannot be ascertained.

Ld. PP. Accordingly left the matter to the discretion of the court.

Ld. Advocate for the defacto complainant alleged that the investigation has just commenced. If the accused is granted bail at this stage, there is every possibility that the investigation will get hampered.

Ld. Advocate accordingly prayed for rejection of bail application.

I have heard all the sides.

I have perused the FIR and other relevant documents available in the case record.

Undoubtedly, the case is at an initial stage and investigation has just commenced. However, it has to be considered whether the detention of this accused in custody is necessary in the interest of investigation. In this respect, I am also taken into consideration that a counter case has been filed in respect of the incident. It appears that similar kinds of allegations are made in the counter case also.

I am also specifically considered that the allegations of assault upon the husband of the victim is specifically against accused no. 1 Mafijuddin Aha. There is specific allegations against this accused. There is no prayer of the investigating agency of any PC in respect of this accused.

Considering the gross allegations brought against this accused under section 12 of

Pocso Act, I am of the view that custodial detention of this accused is not required in the interest of fair investigation.

Accordingly, prayer for bail in respect of the accused Md. Hedatullah stands allowed but upon conditions.

Accused may find bail of Rs. 8000/- with one surety of like amount on condition that he will co operate with the investigation in every manner and he shall meet the I.O. once every seven days till further order. He shall not try to influence witnesses in any manner and shall under no circumstances leave the jurisdiction of this court without seeking prior approval.

If on bail, to date (07.04.2026) for appearance and I.O.'s report.

D/C by me

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur
In Charge

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur
In Charge