

POCSO 15 of 2022
CNR No. WBUD01-000813-2022
JO CODE WB00766

Order No. 06

Dated 19.04.2022

The regular PO has been transferred.

Today is fixed for production of accused persons, CD and I.O's report in final form.

Accused Loknath Biswas and Dipankar Biswas @ Dipankar Das @ Gullu are produced from J/C physically.

No bail petition is filed for accused Dipankar Biswas @ Dipankar Das @ Gullu.

None appears on behalf of accused Dipankar Biswas @ Dipankar Das @ Gullu

Bail petition is filed on behalf of the accused Loknath Biswas. Copy is served to Ld. Spl.PP.

CD is produced. No final report is received from the IO.

It is submitted by the Ld. Advocate for the accused that no bail application u/s 439 of Cr.P.C is pending or rejected in respect of the present accused in any higher forum in connection with this case.

Heard the Ld Advocate for the accused Loknath Biswas as well as Ld. Special PP.

Perused the CD and other materials on record.

Ld Advocate for the accused submits that present accused has falsely implicated in this case and he is no way connected in commission of the alleged offence. According to him, accused is a permanent resident within the jurisdiction of this Court and there is no chance of his abscondence, if he is released on bail. For the reasons stated above, he prays for releasing the accused on bail on any condition or conditions.

On the other hand, Ld PP left the matter to the discretion of the Court.

I have perused the FIR and materials available in the case diary including the statement of victim girl and the Aunt of the victim girl. I have also perused the statement of witnesses recorded u/s 161 of Cr.P.C. On perusal of the materials on record specially the statement of victim girl recorded u/s 164 of Cr.P.C, I find that there is no materials showing that present accused person entered into the house of the victim girl or abetted the principal accused in committing of offence punishable u/s 4 of POCSO Act. In fact there is no whisper that present accused in any way involved in commission of offence as made out in the FIR. The fact remains that accused is in custody on and from 22.03.2022 and substantial part of the investigation has already over. Considering the same, I find no necessity for further detention of accused in custody. Accordingly, I am inclined to release the accused on **Interim Bail**. The accused namely **Loknath Biswas** may find interim bail of **Rs.10,000/-** with two sureties of **Rs.5000/-each** one of whom must be local to the satisfaction of this Court on condition that the accused will meet with IO once in a week for one month or till completion of investigation whichever is earlier and with further condition that he will not leave the jurisdiction of this Court and to appear before this Court on each and every date fixed positively id interim bail shall liable to be cancelled.

Return CD.

If on bail, to **03.05.2022** for appearance, production and I.O's report.

D/C by me

Judge, Special Court (POCSO),
Raiganj, Uttar Dinajpur-in-Ch.

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