

POCSO- 15 of 2022
CNR No. WBUD01-000813-2022
J.O Code-WB-00149

Order No.13

Dt. 17.08.2022

Today stands fixed for production, appearance and ER of WA.

Accused Dipankar Biswas @ Dipankar Das @ Gullu is produced from J/C and remanded back.

Bail petition is filed on behalf of above named accused.

Accused Loknath Biswas on court bail is present.

Accused Pratima Biswas surrenders by a petition along with Vakalatnama and prays for bail. She is taken into custody and remanded to JC till next date.

Both sides are present.

Ld Lawyer for the accused viz., Dipankar Biswas @ Dipankar Das @ Gullu moves the bail petition on grounds that the accused is languishing in jail custody since 12.04.2022 and that charge-sheet has already submitted leaving no scope for custodial interrogation. He further submits that instant record is ready for trial and considering the advance stage of instant proceeding and also incarceration of the accused he may be admitted on bail on any stringent condition.

Ld lawyer for the accused Pratima Biswas moves the bail prayer stating that the lay accused in no way connected with the charge-sheeted offence and that report in final form has already been submitted thereby demanding no question of custodial interrogation of the lady accused. He prays for bail of the surrenderee on any condition as the court thinks fit and proper.

Ld. Spl P.P has raised objection against bail prayer of accused Dipankar Biswas @ Dipankar Das @ Gullu contending that he is a resident of Siliguri and after commission of the crime has absconded . That he is the prime accused of the charge-sheeted offence. According to him, his release will frustrate the trial.

Ld Spl PP while continuing his submission raises very mild objection against the bail prayer of Surrenderee Pratima Biswas. In his usual fairness he states that Section 4 of the POCSO Act is not directed against her.

Having heard all sides in full it appears to me that release of Dipankar Biswas @ Dipankar Das @ Gullu will certainly cause frustration of trial and for this reason coupled with serious nature of charge-sheeted offence his bail prayer is considered but rejected.

The surrenderee Pratima Biswas has voluntarily submitted herself to the jurisdiction of this court and considering absence of grave nature of offence against her in the charge-sheet, I do feel inclined to admit her on bail of Rs. 4000/- with two registered sureties of Rs. 2000/- each on condition to appear before this Court on each and every dates.

Recall process.

To **19.09.2022** for production, appearance and filing appointment letter by the Ld. Spl PP.

D/c by me

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

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