

POCSO-09/2026
CNR WBUD01-000605-2026
J.O.CODE WB00993

24.03.2026

The PO in-charge of this Court is engaged in performing SIR duty.

Today the case is fixed for production of the accused namely Md. Irshad and for hearing of the bail petition filed on behalf of the accused Md. Irshad on the last occasion.

Accused Md. Irshad is produced from J.C through V.C. and remanded back to J.C.

Notice upon the de facto complainant was sent and a report has been submitted that the notice could not be served as as the de facto could not be found.

Heard Ld. Advocate for the accused and also Ld. PP in respect of the bail application.

Ld. Advocate for the accused person submitted that the accused person is innocent. He has been falsely implicated in this case. He was arrested on 26.02.2026 and since then he is in custody. The investigation has proceeded to a good extent. Further detention of the accused in custody is not required in the interest of investigation as it is over. Ld. Advocate further submitted that the accused does not have any chance of absconding. He has no nexus with the alleged crime. The accused shall face trial. Ld. Advocate prayed that the accused person may be enlarged on bail on any condition.

Ld.Spl.PP raised objection and submitted that this is a case u/Section 06 of POCSO Act. There is allegation in the FIR of aggravated penetrative sexual assault upon the victim who is a minor. Ld. Spl. PP prayed for rejection of bail application.

I have perused the FIR and other relevant documents available in the case record. I have perused the CD including statements of witnesses recorded u/s 180 BNSS. I have also perused the statement of the VG recorded u/S 183 BNSS. It appears from the CD that the victim has not subjected herself to any kind of medical examination.

At this stage, the fact which needs consideration is that the victim is admittedly a minor. Considering the same, the consent of the victim does not form any yardstick. The consent seems to be irrelevant considering the fact that the victim is a minor.

But, on the other hand, I take into consideration the fact that as the victim has refused medical examination, under no circumstances, the prosecution can establish a case u/S 6 of the POCSO Act.

Keeping in mind the present facts and circumstances and also considering that a presumption in such cases always stands against the accused, unless rebutted, I am not inclined to allow the prayer for bail of the accused Md. Irshad.

Accordingly, the bail petition stands rejected.

Return CD.

To 06.04.2026 for production and I.O's report.

Dictated by me.

Judge Spl Court
Raiganj, Uttar Dinajpur.

Judge, Spl. Court (POCSO) in ch.,
Raiganj, Uttar Dinajpur.