

Order no.14
Dt. 21.05.2024

The record is put up today on the prayer of the Ld. Advocate for the accused persons namely Kanu Roy, Tapan Barman and Chandra Kanta Sarkar along with a prayer for bail and Vokatnama. They are taken into custody.

Copy of the bail petition is shown to the Ld. Spl.PP.

The record is taken up for hearing on the bail petition.

The Id. Advocate for the accused persons is present.

The Id. Special P.P is present.

It is submitted by the defence that as the accused persons have voluntarily surrendered before this Court and that they have complied with the notice u/s 41A of Cr.P.C, which signifies that they are willing to co-operate with the investigation. He further submits that, although these accused persons have not been named in the FIR, but since they have been served with such notice, they have no course open but to surrender before this Court as law abiding citizens.

The Id. Special P.P raises objection and submits that since these accused-petitioners have not been mentioned in the FIR, their application for bail cannot be entertained and if this Court entertains the same the IO of this case may be directed to appear in person with the case diary to explain the circumstances under which he has proceeded against these persons, who have not been named in the FIR.

Hd. both sides. Perused the instant petition and other materials on record. Considered.

As the accused persons surrendered voluntarily before this court and in view of the compliance with Sec.41A of Cr.P.C, I am inclined to hold that perhaps the name of these persons applying for bail have transpired during investigation, but since I do not have the occasion to peruse the case diary today, I am not in a position to form an opinion as such, but since these accused persons have complied with the notice u/s 41A Cr.P.C, I do not find any justification to turn down their prayer for bail. Since they have complied with the notice, it can be assumed at this stage that they are willing to co-operate with the investigation. Therefore, I am inclined to enlarge the accused persons on bail. The accused persons may find A.I bail of Rs.1500/- each with one registered surety of like amount till 15.06.2024 with condition to meet the IO once in a week till submission of report in final form.

The IO is directed to appear in person before this Court along with the Case Diary on the next date positively to explain the circumstances, while led him to proceed against these unknown persons(as per FIR).

If bond is furnished, release the accused persons.

To date (15.06.2024) for appearance and I.O's report in final form.

D/C by me

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur,

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur
J.O Code-WB-00900