

POCSO-67/2023
CNR WBUD01-003859-2022
J.O.CODE WB00993

23.03.2026

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

Today the case is fixed for production of the accused namely Rajkumar Sarkar and for recording of evidence of CSW 6 & 7.

Accused Rajkumar Sarkar is produced from J.C through V.C. and remanded back to J.C.

Notice upon the de facto complainant has been duly served.

The de facto complainant is present in the Court.

No witness has turned up today.

Prosecution is requested to ensure attendance of witnesses on the next date.

Ld. Advocate for the accused today filed a petition praying for bail on behalf of the accused.

Copy is served upon the prosecution.

The bail petition is heard on behalf of the accused in presence of Ld. PP and Ld. Advocate representing the de facto complaint.

Ld. Advocate for the accused submitted that this accused is in custody since 22.11.2023. The trial has proceeded to a good extent and most of the public witnesses including the victim and the de facto complainant have already been examined.

Ld. Advocate further submitted that the medical examination report of the victim is also on record. Upon considering such medical examination report, it would appear that there is no such material to attract Section 6 of the POCSO Act.

Ld. Advocate further submitted that the accused has remained in custody for a long time and considering the nature of evidence already on record, further detention of the accused does not seem to be necessary. Ld. Advocate accordingly, prayed for allowing bail to the accused on any condition.

Ld. PP raised objection but left the matter to the discretion of the Court.

Ld. Advocate representing the de facto complaint raised objection and submitted that the allegations brought against the accused is grievous in nature. The substantial part of the evidence has already been recorded and the prosecution has by adducing proper evidence brought on record that the victim was a minor at the time of the alleged incident. Ld. Advocate accordingly, prayed for rejection of bail application.

I have heard all the sides. I have perused the FIR and other documents available in the case record which include oral and documentary evidence.

I have drawn special attention to the medical examination report of the victim. I have also considered the oral evidence adduced by the victim and her mother who is the de facto complainant.

I have also taken into consideration the previous order passed by the regular presiding officer.

It appears that vide order no.15 dated 28.08.2025, the regular PO has opined that considering the evidence of the victim, de facto complainant and other prosecution witnesses and considering the age of the victim as 10 years and considering the nature of allegation, the prayer for bail was rejected.

At this stage, I do not find any special circumstances to deviate from the opinion already formed by the regular presiding officer, which was formed after taking into consideration all these factors which are today brought before this Court.

Accordingly, in the present situation, I am of the view that taking any decision contrary to the decision taken by the regular PO on the last occasion, in respect of same facts and circumstances would be similar to an exercise of revision of the order passed by the regular PO.

Only in view of the aforesaid findings, I am not inclined to allow the prayer for bail of the accused Rajkumar Sarkar.

Hence, the bail petition filed on this date stands rejected.

To 18.04.2026 recording of evidence.

Dictated by me.

Judge Spl Court
Raiganj, Uttar Dinajpur.

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