

POCSO 58 of 2025
CNR No. WBUD01-00-2026-2025
Under Section 137(2) BNS read with Section 6/21 of POCSO Act

State

Versus

Bikash Karmakar (A1), Anjali Karmakar (A2) & another (JCL)

Order No. 15
09.02.2025

1. Today stands earmarked for production of A1, appearance of A2 and hearing of the application for bail filed on behalf of accused A1 on 04.02.2026.
2. The defacto-complainant, accompanied with the victim, is present.
3. Accused A1 (in custody) is produced physically and is being represented by his Learned Lawyer, while accused A2 (on bail) is present with her Learned Lawyer.
4. Learned PP-in-charge is present.
5. The record is taken up for hearing.
6. Heard both sides.
7. Perused the materials on record.
8. Learned counsel for the accused–petitioner submits that his client has been in continuous judicial custody since June 2025 and, placing emphasis on the length of such incarceration, seeks the benevolent exercise of this Court’s discretion in granting bail.
9. It is further urged that the victim was above seventeen years of age at the time of the alleged occurrence, a circumstance sought to be projected in aid of the prayer for bail.
10. Learned Public Prosecutor-in-Charge, however, offers a resolute and sibilant resistance and, inviting the attention of this Court to the gravity and depravity of the offence alleged, prays for outright rejection of the bail application in limine.
11. Mere prolongation of custody, standing alone, cannot be exalted as a decisive or overriding consideration for the grant of bail in a case of the present nature.
12. The charge-sheet has already been filed and it unveils prima facie materials lending support to the accusations levelled against the accused A1.
13. Having regard to the grave and heinous character of the offence alleged under Section 6 of the POCSO Act, which assaults the very conscience of society and the inviolable safety of children, this Court finds no just or compelling ground to extend the discretionary relief of bail.
14. The gravity of the accusation, the deep societal revulsion it evokes, and the paramount necessity of shielding the victim while preserving the purity of the trial process, together militate strongly against any indulgence.
15. To grant bail in such circumstances would not only attenuate the statutory rigour but would also send an unsettling and adverse signal to the collective conscience of society.
18. For above reasons, the prayer for bail calls for no action from this end at this stage.
19. To 06.03.2026 for production of A1 + appearance of A2 & consideration of charge.

D/C by me,

Additional District & Sessions Judge-I,
Raiganj, Uttar Dinajpur
In Charge of
Judge Spl. Court
Raiganj, Uttar Dinajpur

Additional District Sessions Judge-I,
Raiganj, Uttar Dinajpur
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