

POCSO 27/18

Order No.6
30.08.2018

Today is fixed for production of accused and IO's report in final form.

One petition is filed on behalf of defacto complainant stating objection against the bail prayer of accused.

Ld. advocate of accused and Ld. Advocate de facto complainant are present.

Bail petition is taken up for hearing.

It is submitted by Ld. Advocate of the accused that he is in JCH since 06.08.18 and incident occurred 7 months back and when she became **pregnant** she lodged complaint. He has further argued that there is a delay which is not explained.

There is no Spl. PP to oppose the bail petition. POCSO cases are unrepresentative. State has no time to see the preamble of POCSO Act.2012 and State is unmindful of decision Era through Dr. Manjula Kripendrof Vs. State of NCT of Delhi **(2017) 15 SCC 133 & SCWLA Vs. UOI reported in (2016) 3 SCC 680.**

Perused the record and considered. There is serious allegation of rape against the accused person and the VG has become pregnant. The case is at initial stage of investigation and there is no fresh ground hence, the I am not inclined to enlarge the accused on bail at this stage. Hence, the bail petition is rejected.

To **12.09.2018** for production of accused and IO's report in final form.

Accused to remand to JCH with direction to produce him on the date fixed.

Let a copy of this order be sent to D.M, Uttar Dinajpur for information.

Dictated & corrected
by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

POCSO 24/17

Order No.12
08.08.2017

Today is fixed for production of accused Bapi Barman.

He produced from JCH.

At this stage one bail petition is filed on behalf of accused Bapi Barman praying for bail.

Ld. advocate appearing on behalf of accused submitted that the accused is in JCH since 06/07/17 and has not moved Hon'ble High Court. He further submitted that incident occurred on 21/06/17 and FIR was lodged on 26/06/17. It is further argued that VG was desperate to marry accused and when she failed in her aim, she dragged accused into this case.

The Ld Spl PP submitted that there is a serious allegation against the accused.

Perused the record and considered.

There is a serious allegation against accused who on 21/06/17 kidnapped VG Debi Sarkar aged about 15 years from College para and raped her at Karnojora against her will. The case is at the initial stage of investigation and I am not inclined to enlarge the accused on bail at this stage. Hence the bail petition is rejected.

To **22/08/17** for I.Os report in final form.

Accused be remanded to JCH with a direction to produce on the date fixed.

Dictated & corrected
by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

Order No.13
22.08.2017

Today is fixed for production of accused Bapi Barman.

He produced from JCH.

At this stage one bail petition is filed on behalf of accused Bapi Barman praying for bail.

Ld. advocate appearing on behalf of accused submitted that the accused is in JCH since 06/07/17 and has not moved Hon'ble High Court. He further submitted that incident occurred on 21/06/17 and FIR was lodged on 26/06/17. He further submitted that the factum of kidnapping came in the knowledge of defacto complainant on 22/06/17 but as to why the complaint was registered on 26/06/17. He has further argued that there is no whispering as to how she went to Malda and as to how she was recovered from there. It is further argued that VG was desperate to marry accused and when she failed in her aim, she dragged accused into this case. He has further argued that the incident has been concocted by the defacto complainant and there is no truth in it.

The Ld Spl PP submitted that there is a serious allegation against the accused.

Perused the record and considered.

There is a serious allegation against accused who on 21/06/17 kidnapped VG Debi Sarkar aged about 15 years from College para and raped her at Karnojora against her will. The case is at the initial stage of investigation and I am not inclined to enlarge the accused on bail at this stage. Hence the bail petition is rejected.

To **05/09/17** for I.Os report in final form.

Accused be remanded to JCH with a direction to produce on the date fixed.

Dictated & corrected
by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

Later/22.08.17,

At this stage one prayer has made by the I.O. for getting conducted sexual capability test of accused Bapi Barman @ Kamal Barman.

Perused the prayer of the I.O. In this case the charge brought against accused is u/s 4 of the POCSO Act r/w Sec. 363/365 IPC. As such prayer of the I.O. is allowed.

The Superintendent, Dist. Hospital, Raiganj is directed to provide assistance for sexual capability test of accused Bapi Barman @ Kamal Barman.

The Superintendent, Dist. Correctional Home, U/Dinajpur at Raiganj is directed to hand over accused Bapi Barman @ Kamal Barman to the I.O. of this case and the I.O. is directed to hand over accused Bapi Barman @ Kamal Barman after the sexual capability test of accused would over.

A copy of the order be sent to the Superintendent, Dist. Hospital, Raiganj.

A copy of the order be sent to the Superintendent, Dist. Correctional Home, U/Dinajpur at Raiganj.

A copy of the order be also supplied to the I.O. of this case for necessary action.

Dictated & corrected
by me

Additional Dist & Sess judge,
2nd court, Raiganj, U/D.

Additional Dist & Sess judge,
2nd court, Raiganj, U/D.

Order No.14
05.09.2017

Today is fixed for production of accused Bapi Barman.

He produced from JCH.

At this stage one bail petition is filed on behalf of accused Bapi Barman praying for bail.

Ld. advocate appearing on behalf of accused submitted that the accused is in JCH since 06/07/17 and has not moved Hon'ble High Court. He further submitted that incident occurred on 21/06/17 and FIR was lodged on 26/06/17. He further submitted that the factum of kidnapping came in the knowledge of defacto complainant on 22/06/17 but as to why the complaint was registered on 26/06/17. He has further argued that there is no whispering as to how she went to Malda and as to how she was recovered from there. It is further argued that VG was desperate to marry accused and when she failed in her aim, she dragged accused into this case. He has further argued that the incident has been concocted by the defacto complainant and there is no truth in it.

The Ld Spl PP submitted that there is a serious allegation against the accused.

Perused the record and considered.

There is a serious allegation against accused who on 21/06/17 kidnapped VG Debi Sarkar aged about 15 years from College para and raped her at Karnojora against her will. The case is at the initial stage of investigation and I am not inclined to enlarge the accused on bail at this stage. Hence the bail petition is rejected.

Call for CD.

To **16/09/17** for I.Os report in final form.

Accused be remanded to JCH with a direction to produce on the date fixed.

Dictated & corrected
by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

Order No.17
23.10.2017

IO is present in person with charge sheet along with CD which was submitted by him on 30/09/17 but cognizance could not be taken due to vacation.

Perused the record.

Cognizance is taken against Bapi Barman and accused Rasid Md.

One prayer has made by the IO for issuance of warrant of arrest against accused Rasid Md. S/O Altabar Md.

Perused the prayer, considered and allowed.

Let warrant of arrest be issued against accused Rasid Md.

One bail petition is filed on behalf of accused Bapi Barman along with put up petition.

Bail petition is taken up for hearing.

Ld. advocate appearing on behalf of accused submitted that the accused is in JCH since 06/07/17 and has not moved Hon'ble High Court. He further submitted that incident occurred on 21/06/17 and FIR was lodged on 26/06/17. He further submitted that the factum of kidnapping came in the knowledge of defacto complainant on 22/06/17 but as to why the complaint was registered on 26/06/17. He has further argued that there is no whispering as to how she went to Malda and as to how she was recovered from there. It is further argued that VG was desperate to marry accused and when she failed in her aim, she dragged accused into this case. He has further argued that the incident has been concocted by the defacto complainant and there is no truth in it.

It has further submitted that CS has been filed and bail of the accused Bapi Barman may be considered at any condition. He has further submitted that cognizance was taken today and statutory period has already passed.

The Ld Spl PP submitted that there is a serious allegation against the accused.

Perused the record and considered.

There is a serious allegation against accused who on 21/06/17 kidnapped VG Debi Sarkar aged about 15 years from College para and raped her at Karnojora against her will. The VG has not been examined yet and one of the co-accused is absconding and keeping the direction of Hon'ble Delhi High Court in the case of Santosh Kumar Mandal Vs State reported in **2017 IAD (CrI) (DHC) 259**, I am not inclined to enlarge the accused on bail at this stage. Hence the bail petition is rejected.

To date **24/10/17** for production of accused Bapi Barman and E/R of W/A against accused Rasid Md.

Dictated & corrected

by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

Order No.18
24.10.2017

Today is fixed for production of accused Bapi Barman.

Accused is produced from JCH.

One bail petition is filed on behalf of accused Bapi Barman.

Bail petition is taken up for hearing.

Ld. advocate appearing on behalf of accused submitted that the accused is in JCH since 06/07/17 and has not moved Hon'ble High Court. He further submitted that incident occurred on 21/06/17 and FIR was lodged on 26/06/17. He further submitted that the factum of kidnapping came in the knowledge of defacto complainant on 22/06/17 but as to why the complaint was registered on 26/06/17. He has further argued that there is no whispering as to how she went to Malda and as to how she was recovered from there. It is further argued that VG was desperate to marry accused and when she failed in her aim, she dragged accused into this case. He has further argued that the incident has been concocted by the defacto complainant and there is no truth in it.

The Ld Spl PP submitted that there is a serious allegation against the accused. He further submitted that accused Rasid Md. is absconding and warrant has already been issued against him.

Perused the record and considered.

There is a serious allegation against accused who on 21/06/17 kidnapped VG Debi Sarkar aged about 15 years from College para and raped her at Karnojora against her will. The VG has not been examined yet and one of the co-accused is absconding and keeping the direction of Hon'ble Delhi High Court in the case of Santosh Kumar Mandal Vs State reported in **2017 IAD (CrI) (DHC) 259**, I am not inclined to enlarge the accused on bail at this stage. Hence the bail petition is rejected.

To **07/11/17** for production of accused Bapi Barman and E/R of W/A against accused Rasid Md.

Dictated & corrected
by me

Additional Sessions judge,
2nd court, Raiganj,

Additional Sessions judge,
2nd court, Raiganj, U/D

