

**POCSO Case No. 55 of 2020**  
**Sessions Trial No.19(9)/2022**  
**CNR WBUD01-002404-2020**  
**J.O. Code WB00149**

**Order No. 01**

**Dated: 22.09.2022**

Today is fixed for production and consideration of charge.

The accused persons namely **Moni Gopal Das, Dipak Barman and Bikash Das** are produced from J/C and remanded back.

Heard Ld.Spl.PP and Ld. defence lawyer.

Perused the materials on record.

After hearing the parties and after considering the C.D and other materials I am of opinion that the offence is triable by the Special Court (POCSO) exclusively. Accordingly the charges are framed **u/s 363/365 of IPC and Sec.6 of POCSO Act** against the accused person **Moni Gopal Das**, **u/s 365 of IPC and Sec.6 of POCSO Act** against the accused person namely **Dipak Barman** and **u/s 365 of IPC and Sec.17 of POCSO Act** against the accused person **Bikash Das** in three separate sheets and kept with the record. The particulars of charge is read over and explained to the accused persons in Bengali who pleaded not guilty by saying each **“Ami Nirdosh”** and claimed to be tried.

To **16.01.2023** for production and evidence of **CSW- 1 and 5** .

To **17.01.2023** for production and evidence of **CSW- 2 and 6**.

The prosecution to take steps accordingly.

At this stage three separate bail petitions are filed for all above named accused persons.

Copy of bail petitions are served upon Ld. Spl PP.

Ld Special PP is present.

During hearing of bail petition of accused Moni Gopal Das Ld defence lawyer submits that since 28.10.2020 his client is undergoing JC and charge is also framed thereby giving start to the trial in the instant case. Undertaking appearance of the accused if enlarged on bail, Ld. Lawyer prays for release of the accused on any stringent condition as the court thinks fit and proper.

Ld lawyer for the accused Dipak Barman moves the bail prayer stating that he is undergoing JC since 08.12.2020 and the associates who were tried before the JJB are acquitted from the charge. He prays for bail on grounds of long detention and also acquittal of the co-accused before the JJB.

Ld lawyer for the accused Bikash Das prays for release of the accused on bail by submitting that he is languishing in jail custody since 17.08.2022 and that he is not an FIR named accused and the charge framed against him is comparatively less serious in nature. On above plea he prays for bail on any condition as the court thinks fit and proper.

Ld. Spl P.P has raised strong objection against all three bail prayers. He submits that the Hon'ble High Court has been pleased to consider and reject the bail prayers of accused

Monigopal Das and Dipak Barman. He further contends that accused Bikash Das is on similar footing with other co-accused as he aided them in commission of the heinous offence.

In view of framing of charge against all three accused persons under the sections specifically mentioned in foregoing paras and also considering rejection of bail prayer of Moni Gopal Das and Dipak Barman by the Hon'ble High Court coupled with stage awaiting evidence of the victim girls it appears to me that release of the accused persons will frustrate the ends of justice. Accordingly, bail petitions are considered but rejected.

D/C by me

Judge Special Court (POCSO)  
Raiganj, Uttar Dinajpur

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