

POCSO- 55 of 2020
CNR No. WBUD01-002404-2020
J.O Code-WB-00699

Order No.32
Dt. 19.05.2025

Today the case is fixed for production, appearance and evidence.

Out of three accused persons, accused Manigopal Das is produced from J.C through V.C. Other two accused persons Dipak Barman and Bikash Das on court bail are present today by filing hazirah.

Prosecution files hazira of one witness.

Witness Barun Barman is examined in chief cross examined in full and discharged.

A bail petition is filed on behalf of the accused person namely Manigopal Das. Copy is served to the Ld. Spl PP.

Ld. Lawyer for the accused person Manigopal Das submitted that the accused person is innocent, he has been falsely implicated in this case and there is no chance of his absconding. He has no nexus with the alleged crime. Accused person has been detained in custody since long from the date of arrest. It is further submitted referring the decision of **Hon'ble Apex Court dated 07.02.2025** in the case of **Vihaan Kumar vs. State of Hariyana & another** that the grounds of arrest of the accused person was not informed to the accused person at the time of his arrest. There is no reflection in the Memo of Arrest and the forwarding report that the accused person was informed of the grounds for his arrest. In this case the right of the accused person has been violated under article 22(1) of the Constitution of India as the accused was not informed of the grounds for his arrest. In this context the accused person may be enlarged on bail.

Ld.Spl.PP strongly opposed the prayer for bail of the accused person. He submitted that the Hon'ble Calcutta High Court was pleased to reject the prayer for bail of the accused person above named for two times.

On careful perusal of entire materials on record, I find from the forwarding report that the reason of the arrest has been duly communicated to the accused person and his family members and the Memo of Arrest is duly signed by the father of the accused person. It reveals that after framing of charge as many as 09 witnesses have been examined in this case on behalf of the prosecution including the victim girls and the defacto complainant. There is specific allegations against the accused person above named in the evidence of victim girl. Accused person moved before the Hon'ble High Court praying for bail for two times and Hon'ble Court was pleased to reject the same.

Considering the alleged offence against the accused person and considering the age of the victim girls of 13 years and 14 years at the time of commission of offence, I am not inclined to enlarge the accused person namely Manigopal Das on bail.

Hence, bail prayer of the accused stands rejected.

Accused be remanded to J.C. till 15-07-2025.

To **15-07-2025** for production, appearance and evidence of CSW-4, CSW-11 and I.O. of this case.

Issue summons accordingly.

D/C by me

Judge Special Court (POCSO)
Raiganj, Uttar Dinajpur

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