

POCSO-17/2026
CNR WBUD01-000773-2026
J.O.CODE WB00993

Later;

06.04.2026

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

Today the case is fixed for hearing of bail petition in respect of accused Sujan Shil.

Another FIR named accused persons namely Dayal Shil, Suman Shil and Alo Shil have voluntarily surrendered today.

They are taken into custody and remanded to JC till next date.

Bail petition is filed on behalf of these three accused persons. Copy served upon Ld. Spl. PP.

Ld. Advocate for the de facto complainant has also appeared today.

Both the bail petitions in respect of four accused persons are heard on this date.

Ld. Advocate for the accused persons submitted that the three accused persons who have surrendered today namely Dayal Shil, Suman Shil and Alo Shil are FIR named. But, there is specific allegation against these three accused persons. Ld. Advocate argued that these incident is alleged to have taken place to two families who are closely related to each other. The primary allegation is in respect of offence punishable under Section 109 of BNS. However, on considering the FIR it would appear that there is no such material to attract the provision of Section 109 BNS. Ld. Advocate further emphasized that the allegation brought under Section 8 of the POCSO Act is not against these three accused persons.

Ld. Advocate accordingly, prayed for allowing bail to the three accused persons on any condition.

In respect of the other accused Sujan Shil, Ld. Advocate submitted that this accused was arrested on 15.03.2026 and he is in custody since then. In the FIR, there are certain allegations brought against this accused. The allegation under Section 8 of POCSO Act is also brought against this accused. Ld. Advocate argued that there is no such material to attract the provision of Section 8 of POCSO Act and considering the FIR, it would not appear that there is any ingredient to attract the provision of Section 109 BNS. Ld. Advocate prayed for allowing the petition praying for bail to this accused Sujan Shil on any condition.

Heard Ld. Spl. PP in respect of both the bail petitions. Ld. PP emphasized that the primary allegations in the FIR are against the accused Sujan Shil. The allegation of Section 8 of POCSO Act is also against this accused. In respect of the other three accused persons, the allegation is that of assault upon the victims.

Ld. PP prayed for rejecting all the bail petitions in respect of all the accused persons.

Heard Ld. Advocate for the de facto complainant. Ld. Advocate submitted that an incident of assault had taken place resulting in injury upon the person of the victim. The victim had to remain admitted to hospital. Ld. Advocate further submitted that there is specific allegation against accused Sujan Shil in respect of the offence committed under Section 8 of the POCSO Act. Ld. Advocate prayed that considering all such aspects, the prayer for bail in respect of all the accused persons may be rejected.

I have perused the FIR and other documents available in the case record. I have also perused the CD including the statements of the witnesses recorded under Section 180 BNSS. I have perused the statements of the victim recorded under Section 183 BNSS. In her statements the minor victim has narrated about the incident of assault upon her mother and her. There seems to be specific allegation against the accused Sujan Shil.

Having considered the present facts and circumstances, I am of the view that custodial detention of the three accused persons who have voluntarily surrendered today namely Dayal Shil, Suman Shil and Alo Shil is not necessary.

Accordingly, the prayer for bail in respect of bail of these three accused is allowed. The three accused persons namely Dayal Shil, Suman Shil and Alo Shil may find bail of Rs.6,000/- each with one registered surety of like amount each. If on bail they shall appear positively on the next date, I.d. to JC.

Having considered present facts and circumstances and considering the spirit of the Law as enshrined in the POCSO Act where presumption of culpable mental state is a rule, I am not inclined to allow the bail petition in respect of the accused Sujan Shil.

Accordingly, the bail petition in respect of Sujan Shil stands rejected.

To 20.04.2026 for production and I.O's report.

Return CD and call for C.D on the next date.

Dictated by me.

Judge Spl Court
Raiganj, Uttar Dinajpur.

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