

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, 1<sup>st</sup> Court**  
cum Designated Court under POCSO Act

ISLAMPUR, UTTAR DINAJPUR

Present: Plaban Mukherjee (**WB01427**)  
Additional Sessions Judge, 1<sup>st</sup> Court  
Islampur, Uttar Dinajpur

**POCSO Case No. 16/2026**

**(CNR –WBUD05-000372-2026)**

**in c/w : Dalkhola P.S case- 36/2026 dated 20.02.2026**

U/S- 127(2)/117(2)/118(2)/109/351(2)/3(5) of BNS r/w sec.12 of POCSO Act.

**State**

**Vs**

**Arjun Sarkar and another**

Order no.01  
21.02.2026

Accused persons, namely, Arjun Sarkar and Nakul Sarkar both son of Dinabandhu Sarkar of Ward no.10 Bidhanpally, P.O & P.S. Dalkhola, Dist. Uttar Dinajpur are brought under arrest and they are taken into custody.

Received formal F.I.R, written complaint, forwarding report, memo of arrest, medical slips, accused challans, communication of grounds of arrest and two Seizure list from Dalkhola P.S, U/D in connection with Dalkhola P.S case- 36/2026 dated 20.02.2026 U/S- 127(2)/117(2)/118(2)/109/351(2)/3(5) of BNS r/w sec.12 of POCSO Act.

Perused the same.

Register the Case as POCSO Case.

The IO of this case is present with the CD and also files an application praying for police remand of the accused persons for Ten days.

Ld advocate Shri Nripen Chandra Biswas enter his appearance representing both the accused persons by filing vakalatnama and also files a petition praying for bail.

Perused the written complaint, the forwarding report, accused challan, memo of arrests and communication of grounds of arrest which satisfy the requirement of law with regard to the communication of grounds of arrest to the arrestee.

There seems to be no caviling on the point of the intimation to the next friend and communication of grounds of arrest, which appears to be duly complied in terms of Section 47, 58 of Bharatiya Nagarik Suraksha Sanhita, 2023 and Article 22 of the Constitution.

Now, the bail petition is taken up for hearing.

Ld advocate for the accused persons submitted that they have been falsely implicated in this case and there is no iota of cogent materials justifying incorporation of section 12 of the POCSO Act. It is further submitted that the accused petitioners are not in any way involved in this case.

Ld Special P P Mudassar Nazar raised vehement objection.

Perused the bail petition, the case record and the CD and comparing the same with the statement of witnesses, it appears that there is distinct allegation against the present accused

**contd...**

**continuing order dated 21-02-2026.**

petitioners and both of them are named in the written complaint. It further reveals from the written complaint that the injured persons being minor were assaulted in naked condition.

In view of the above facts and circumstances and early stage of investigation, I am not inclined to enlarge the accused petitioners on bail at this stage.

Hence, bail prayer stands rejected.

Now, the prayer of the IO is taken up for hearing.

Ld Special P P submitted that IO has prayed for police remand of the accused persons for ten days to secure the collection of more evidence and to secure the arrest of other accused persons. It is further submitted that for proper investigation of this case the prayer of the IO should be allowed.

Ld advocate for the accused persons raised objection against the prayer of the IO.

Perused the prayer of the IO duly forwarded by the Sub-Divisional Police Officer, Dalkhola, Islampur Police District and also endorsed by the IC of Dalkhola PS.

Considering the materials on the CD, the rudimentary stage of investigation, necessity of custodial interrogation and the fact that has potential of influencing other evidence and more importantly the investigation of large scale is still incomplete, the prayer for police custody needs to be considered.

In terms of the quantum of P.C, It seems that a **Police Custody of five (5) days** will meet the above ends.

Accordingly, The prayer for Police Custody stands allowed for **five (5) days**.

The accused and a copy of this order sheet be handed over to the Investigating Officer who shall follow the disposition of Hon'ble Apex court in **D.K Basu VS State of West Bengal AIR 1997 SC 610**, in terms of medical examination of the accused and in all other aspect from the inception till end.

Accordingly, the accused person, namely, Arjun Sarkar and Nakul Sarkar is remanded to P/C till 26-02-2026.

Todate i.e. on 26-02-2026 for production of the accused persons from P.C. along with C.D.

Dictated & corrected by:

Addl Sessions Judge,  
Special Court (POCSO Act)  
Islampur, Uttar Dinajpur

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Special Court (POCSO Act)  
Islampur, Uttar Dinajpur