

WBUD05001890-2022
POCSO case no.50/ 2022

05-01-2023.

Accused Jabesh Das is produced from correctional Home and he is remanded to JC till 19-01-2023.

One bail petition filed for the accused.

The de facto complainant has appeared by filing vokatatnama and filed an affidavit and a photo copy of Aadhar Card.

Heard ld advocate for the accused and ld Special P P.

Ld advocate for the accused submitted that his client voluntarily surrendered before the designated court at Raiganj on 16-08-2022 and since then he is in custody. His client is innocent and has been falsely implicated in this case and he may be granted bail on any condition.

Ld Special P P submitted that he has sent requisition for the CD but not yet received the CD from Raiganj, and he has informed that the CD has been misplaced in the PP office at Raiganj. In such circumstances, he has nothing to say and leaves the entire matter to the discretion of the court.

On perusing the affidavit filed on behalf of the de facto complainant this court finds that in his affidavit he has inter alia stated that he lodged the case against accused Jabesh Das due to ill instigation by the villagers without knowing the contention of the same which is not correct and he has no objection, if Jabesh Das is granted bail. Ld advocate Snehasis Das has accepted vokatatnama executed by the de facto complainant, he identified the de facto complainant in the affidavit and also in open court.

From the record it appears that the accused had been absconding for a long period and the case against him was filed and subsequently he surrendered before the POCSO Court, Raiganj. But it also appears that the accused surrendered voluntarily before the designated court at Raiganj on 16-08-2022, by order dated 15-11-2022 ld Special Court (POCSO Ac), Raiganj transferred the record with a direction on the Chief P.P., Uttar Dinajpur for taking necessary steps for transfer of CD to the ld Special P P, Islampur Court, the record has been received by this court on 22-11-2022, the accused was first produced before this court on 29-11-2022, then on 13-12-2022 and thereafter on 22-12-2022 and bail petitions filed by the accused were rejected by this court on three occasions after the statement u/s 164 Cr P C. Since the CD has not yet been received by the ld Special P P, Islampur Court till date this court is not in a position to commence trial of the case immediately.

Having regard to the discussions in last preceding paragraph, the contention of the affidavit filed by the de facto complainant, submission of both sides, voluntarily surrender by the accused, right of accused of speedy trial and no chance of commencement of trial immediately, this court is of view that it will be proper to grant bail to the accused subject to some conditions.

Hence, bail prayer is allowed.

Accused Jabesh Das be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of Rs.2,500/- each, on condition that after release on bail he will not contact with the victim girl and shall not intimidate any of the witnesses of the case, to the satisfaction of Id ACJM, Islampur.

After accepting the bail bonds Id ACJM, Islampur will issue release order for release of the accused.

To date ie. 19-01-2023 for production and consideration of charge.

If on bail, to date for appearance and consideration of charge.

A copy of this order be forwarded to the office of the Id ACJM, Islampur for information and necessary action.

D/C by me,

Special court (POCSO Act),
Islampur

Addl. Dist. & Sess. Judge, 1st Court,
cum Special court (POCSO Act)
Islampur, U/Dinajpur.