

**IN THE COURT OF JUDGE, SPECIAL COURT
(ADDITIONAL SESSIONS JUDGE, 2ND COURT), JHARGRAM**

Present: SRI JIMUT BAHAN BISWAS
Addl. Sessions Judge, 1st Court),
Jhargram
J.O. Code- WB00669

POCSO- 12/2024

Ref: Nayagram P.S Case No. 52/2024 dt.12/04/2024 u/s 341/323/325/506/34
IPC & adding Sec. 08/12 of POCSO Act.

Order No. 04.

Dtd. 07.05.2024.

Sole accused Sk. Sadir Ali is produced from J/C.

Today is fixed for production of accused, hearing the bail petition dated 06/05/2024 and I.O's report.

No report has yet been received from I.O.

Bail petition dated 06/05/2024 is taken up for hearing. Ld. Defence Counsel Anindya Sundar Chattopadhyay on behalf of the accused Sk. Sadir Ali submitted that the allegation as labeled in the FIR as well as materials on record does not show any materials regarding sexual desire. In the absence of sexual desire the offence U/s. 8 as well as 12 of the POCSO Act could not be established. The statement of victim girl U/s. 164 Cr.P.C and medical examination of the victim girl are also done. Practically speaking the investigation has more or less fairly proceeded and the accused is in custody for more than considerable period of time. The accused committed no offence whatsoever. In any terms and condition he may be released on bail.

Per contra, Ld. Special Public Prosecutor raised objection against the bail application as the investigation is going on. He also referred the medical examination, statement of the victim and in the statement of the victim it reflects that the victim is a minor girl and who has been sexually abused by the accused.

Having heard the Ld. Advocate for the parties and on perusal of the case diary as well as other materials available in the record I find that the statement of the victim was already recorded and I have gone through the statement. The victim was medically treated by the doctor and victim denied to be examined medically. The accused is in custody for more than considerable period of time where the investigation is in progress and further custody of the accused need not require. So, prayer for bail is considered and allowed.

Accused Sk. Sadir Ali may find bail bond of Rs. 2000/- with two registered sureties of Rs. 1000/- each subject to satisfaction of Ld. ACJM, Jhargram and on condition that accused will meet with I/O as and when called for by the I/O for the purpose of investigation and accused will remain present on all the dates of the case in the court and accused will not tamper the evidence in any manner.

To 20/05/2024 for appearance/production of the accused and I/O's report.

C.D be returned.

Let copy of this order be sent to Ld. ACJM, Jhargram for information and necessary action.

Dict. & Cort. by me.

Sd/-
Spl Judge,
(In-Charge)

Sd/-
Judge, Special Court
(Addl. Sessions Judge, 2nd Court),
Jhargram
(In-Charge)

Officer of the Judge, Special Court (POCSO), Jhargram.

Memo No. Dated 07/05/2024.

Copy of this order be forwarded to Ld. ACJM, Jhargram for information and taking necessary action.

Judge, Special Court
(Addl. Sessions Judge, 2nd Court),
Jhargram
(In-Charge)