

Present: Asmita Samajder [J.O. Code – WB00956],
Additional Sessions Judge,
4th Court, Howrah.
S.T. 192 of 2025
[CNR No. –WBHW01-003230-2025]

Order no. 16 dated 25.09.2025

Today is fixed for further evidence.

Out of three accused persons in J/C, one accused namely Soraj Kanjar is produced physically from the Howrah Correctional Home.

Rest two female accused persons, namely, Sahanara Begum and Mafuja Bibi Sha, in J/C, are also produced physically from the Alipore Women's Correctional Home.

Ld. Advocates for the accused persons namely, Sahanara Begum and Mafuja Bibi are present. Ld. PP-in-charge is also present. Ld. Advocate from LADCS is also present, representing the accused Soraj Kanjar.

Ld. PP-in-Charge submits that the summons in this case was sent to Dr. Chitrakshya Sarkar of FSL, but he is unable to come to the court to depose physically. Ld. PP-in-Charge however states that the said witness will be able to depose via Video Conferencing.

Therefore, since the witness, namely, Dr. Chitrakshya Sarkar (CSW4 in supplementary charge-sheet) is unable to come to court today and is available via Video Conferencing, link is hereby sent by the to the e-mail ID provided by the Ld. PP-in-Charge, being, director.fsl-wb@gov.in. Said witness is thereafter joined through a link via Google Meet. He is then examined by the prosecution as the PW6 through Video Conferencing mode via Google Meet.

During the examination-in-chief of the PW6, some documents and materials are marked as exhibits in the manner as under:

- **System-generated received copy with respect to 11 sealed covers along with exhibit challan and requisition in c/w Howrah G.R.P.S. Case No. 37/2025 dated 05.03.2025 - Exhibit P-17/PW6 (9 sheets) (collectively).**
- **Forensic report dated 28.07.2025 in respect of 11 sealed exhibits marked as 'A' to 'K' - Exhibit P-18/PW6.**
- **Label and signature of PW6 on the Exhibit P-16 - Exhibit P-16(4)/PW6 (collectively).**
- **Label and signature of PW6 on the MO-2/PW2 be marked as MO-2(2)/PW6 (collectively).**
- **Pen drive (Master 32 GB) (Exhibit 'B' – IO's marking) - Exhibit P-19/PW6.**
- **Label and signature of PW6 on the Exhibit P-19/PW6 - Exhibit P-19(1)/PW6 (collectively).**
- **Pen drive (Sandisk 16 GB) (Exhibit 'C' – IO's marking) - Exhibit P-20/PW6.**
- **Label and signature of PW6 on the Exhibit P-20/PW6 - Exhibit P-20(1)/PW6 (collectively).**
- **Pen drive (Master 32 GB) (Exhibit 'D' – IO's marking) - Exhibit P-21/PW6.**
- **Label and signature of PW6 on the Exhibit P-21/PW6 - Exhibit P-21(1)/PW6 (collectively).**
- **Pen drive (Master 32 GB) (Exhibit 'F' – IO's marking) - Exhibit P-22/PW6.**
- **Label and signature of PW6 on the Exhibit P-22/PW6 - Exhibit P-22(1)/PW6 (collectively).**
- **Pen drive (Sandisk 64 GB) (Exhibit 'G' – IO's marking) - Exhibit P-23/PW6.**
- **Label and signature of PW6 on the Exhibit P-22/PW6 - Exhibit P-23(1)/PW6 (collectively).**
- **Pen drive (Master 32 GB) (Exhibit 'H' – IO's marking) - Exhibit P-24/PW6.**

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- **Label and signature of PW6 on the Exhibit P-24/PW6 - Exhibit P-24(1)/PW6 (collectively).**
- **Wearing apparels of the child (a frock and an undergarment) - MO-4/PW6 (2 nos.) (collectively).**
- **Labels and signatures of PW6 on the MO-4/PW6 - MO-4(1)/PW6 (2 nos.) (collectively).**
- **Wearing apparels (an orna and a burqa) (Exhibit 'J' – IO's marking) - MO-5/PW6 (2 nos.) (collectively).**
- **Labels and signatures of PW6 on the MO-5/PW6 - MO-5(1)/PW6 (2 nos.) (collectively).**
- **Wearing apparels (a white and yellow colored printed saree and one yellow colored orna) (Exhibit 'K' – IO's marking) - MO-6/PW6 (2 nos.) (collectively).**
- **Labels and signatures of PW6 on the MO-6/PW6 - MO-6(1)/PW6 (2 nos.) (collectively).**
- **Label dated 23.07.2025 along with signature of PW6 - Exhibit P-25/PW6 (collectively).**

The aforementioned PW6 is then cross-examined by the Ld. Counsel for all the accused persons. Upon conclusion of his evidence, this witness is discharged.

Accordingly, let a scanned copy of the deposition sheet, duly signed by this Court, be forwarded to the said witness at his personal email ID, viz., chitrakshyasarkar@gmail.com, with a direction to affix his signature thereon and return a scanned copy of the same to this Court via email, by the end of this day.

Further, let a PDF copy of the deposition sheet be transmitted to PW6 through email for obtaining his signature. Upon receipt thereof, PW6 shall affix his signature on the same and return the hard copy to this Court by hand or speed post, within 72 hours, without fail.

At this stage, a bail petition is filed for two accused persons, namely, Sahanara Begum and Mafuja Bibi. Copy of the same is served upon the prosecution.

As such, record is taken up for hearing of the said bail petition and the same is heard at length.

Ld. Advocate for these two accused persons submits that both of them have been in custody for a considerable period of time, that they are quite aged, suffering from ailments, and have been falsely implicated in this case. He further submits that no other bail petition under Sections 438/439 of the Cr.P.C. (or under Sections 482/439 of the BNSS) has been filed, rejected, or is pending before the Hon'ble Calcutta High Court or any other higher forum. Ld. Advocate further contends that the accused persons have no likelihood of absconding from the process of justice and, therefore, their continued detention is unwarranted. Accordingly, the Ld. Counsel prays that these accused be released on bail on such conditions as this court may deem fit and proper.

On the other hand, Ld. PP-in-Charge raises strong objection to the grant of bail, contending that the nature of allegations and the involvement of both accused persons in an inter-State child trafficking case disentitle them from being enlarged on bail. He thereafter prays for rejection of the present bail application.

Perused the case diary and the materials on the case record, as well as the bail petition filed for the accused persons as named above. Considered.

It appears therefrom that the accused persons, namely, Sahanara Begum and Mafuja Bibi Sha, are prima facie involved in the commission of the alleged offences. The allegations levelled against them are of a serious and grave nature. At this stage, their complicity in the commission of the offences cannot be ruled out. Furthermore, the possibility of their tampering with evidence, influencing witnesses, or absconding from the process of justice also cannot be overlooked.

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In light of the aforesaid deliberations and being guided by the directions of the Hon'ble Apex Court given in the case of **Pinki Versus State of Uttar Pradesh and Another [Criminal Appeal No. 1927 of 2025 (Arising Out of SLP (Crl) No. 4658 of 2025)]**, I am not inclined to grant bail to these two accused persons.

Accordingly, the bail petition filed on behalf of the accused persons namely Sahanara Begum and Mafuja Bibi Sha is considered and rejected.

On the prayer of the Ld. PP-in-Charge and the Ld. Defence Counsel, fixing **12.11.2025 (at 11.30AM)** for further evidence.

Accused persons in J/C as before; and to be produced physically on the next date so fixed.

Typed and corrected by me;
Sd/-

Sd/-

Additional Sessions Judge,
4th Court, Howrah