

SPL (P) 21 of 2020

Present: Sri Santanu Mukhopadhyay (JO WB 00581)

Order No. 21 order dated: 11.04.2023.

Accused persons namely Fatik Das and Sudeb Das are produced before this Court under arrest on the basis of warrant of arrest issued against them vide order dt. 29.02.2023.

A petition for bail is filed.

Seeing the forwarding report, inspection memo and other annexures as produced by the arresting officer of this case. Let it be kept with the record.

The prayer for bail is sought for on the ground of mercy.

LD. PP in charge opposes the prayer for bail.

Seeing the order of the case record. Considered.

On the basis of undertaking given by the Ld. Advocate appearing for the accused persons, I am inclined to grant bail. Thus, the accused persons may find interim bail of Rs.1000/- each with two registered other than the previous sureties on condition that they shall appear before this Ld. Court each and every date fixed for appearance and hearing till the conclusion of this case.

If on bail 22.08.2023 for appearance of the said accused persons and ER of other two accused persons.

Let a copy for this order be sent to Lock up in charge of GR section of this Court for information and to release the accused persons if they are not warranted in any other case.

D/C

Judge, Special Court
Bongaon, North 24 Parganas.

Din Islam Mondal and Sunita Bhowmick are produced from JC.

I.O, SI Muajjem Hossain is found present in court.

Special PP has recorded are presence in this case.

Respective advocates for both the accused are also found present in court.

Hazira of the conducting advocate from the legal aid is also found. At this stage prosecution produced prosecutrix (VG) before this LD. Court under save condition.

The trial is conducting in camera.

The examination in chief and cross has been completed in full.

Documents were exhibited accordingly in favour of the prosecution entire in a list of documents as exhibits on behalf of the prosecution.

After the completion of examination in chief of the VG Ld. Advocate appearing for the accused persons raised objection for not having the copy of the statement of the VG recorded before PSI Sanchita Pal of Gopalnagar PS and also disputing the page number of that statement in CD. To that effect a petition is filed for not to complete the cross examination of the VG by this day.

I.O is asked to supply the relevant copy to the defence counsels at once before this court.

Such copy is supplied in open court to the Ld Advocates of the accused persons. So the objection as raised on the point supply of copy today and its page number are not accepted. Such objection is over ruled by this Ld. Court. The concerned prayers of the accused are out rightly rejected. Ld. Defence counsels get ready at once for cross examination of the VG in camera by this day and accordingly trial has been concluded. Ld. Special PP in charge however submitted the statement of the VG recorded under Section 164 Cr.P.C. (in original) by female SI of Gopalnagar PS under firisty before this Ld. Court from the CD.

Let it be kept with the record for taking judicial notice and consideration of this case.

Alamat is produced and returned to the concerned PS fixing 02.06.2023, 03.06.2023 and 05.06.2023 for evidence.

Both the accused persons be remanded to JC till 02.06.2023.

Concerned I.O of this case is directed to monitoring the case properly and also keep close vigilance upon the minor VG at her residence where she is resided at now and to render any sort of help to the VG and also contact with the childline Barasat in this regard very frequently.

Let a copy of this order be supplied to the I.O by hand at once for compliance.

Another copy be sent to the authority of childline, Barasat for immediate information.

Another copy of order be sent to Chairman, SDLSC, Bongaon, to assign Sri Joydeb Halder, Ld. Advocate of this case from the Legal Aid Panel on the behalf of VG.

Inform Ld. Advocate Sri Joydeb Halder at once.

D/C

Judge, Special Court
Bongaon, North 24 Parganas.

SPL (P) 12 of 2023
Present: Sri Santanu Mukhopadhyay (JO WB 00581)

Order No. 09

31.03.2023.

The record is put up today before me on the prayer of the accused Sahajan Molla @ Sahajahan who is in the custody since 15.02.2023.

A separate petition for bail is filed.

Copy is served and objected to.

Ld. Advocate for this petitioner submitted that in this case Ld. Court is considered the bail prayer of other co-accused persons.

A petition for bail is moved in presence of both the sides.

LD. PP in charge opposes the prayer for bail on the ground of closure of investigation resulting prima facie case made out under Section 363/365/376(D) of the IPC and 4 of the POCSO Act. It is submitted that the matter in dispute has already been settled with compromise and at this stage further detention of the present accused is not at all warranted.

The de facto complainant is found present in the Court with a separate affidavit and endorsing her no objection. At this stage another affidavit is filed by the VG with a separate vokalatnama stating that if the petitioner/accused is released on bail she will caused her death by any means.

Seeing the case record meticulously it appears to me co-accused Atiar Mondal and Motiar Mondal here before were granted bail under Section 438 of the Cr.P.C. by this Court in CMC No. 69/23 dated 15.02.2023 want of specific allegation regarding 4 POCSO Act and Section 376 of the IPC.

Seeing the FIR, the VG was interrogated on dock in an open court in pursuance to her objection. Seeing the 164 statement of the VG, the VG refused to undergone medical examination.

Considering the present situation and circumstances as already brought into record by the VG by filing affidavit and also other consideration which will be benevolent for the interest of justice in this case. It is not at all wise to allow the prayer for bail. Hence, the prayer for bail of the present petitioner is considered and rejected.

The accused is remanded to J.C till 10.04.2023.

To date for production of this accused and appearance of other accused persons and personal appearance of O.C., Bagdah PS and hearing for taking cognizance of this case in view of charge sheet submitted.

CD be returned.

Let a copy of this order be sent to O.C Bagdah PS for information and compliance.

D/C

Judge, Special Court

Raju Mondal, Malibar Mondal, Sahanaj @ Sahanara Bibi @ Ana are produced before this Court in view of the order of Ld. Addl. CJM, Kalyani Nadia along with part record.

The part record with annexures be kept with instant case record.

A petition for bail is filed on behalf of the three accused persons with vokalatnama.

Heard both sides.

Copy served.

On call Ld. PP in-charge Sri Ahsok Kumar Pramanick does not oppose the prayer for bail as submitted.

On the contrary he put an emphasis over the attendance of the three accused in the trial of this case, in the event of granting bail as sought for.

Perused the case record.

It appears to me that all the three accused persons were initially on bail but did not attend before this Court on 15.03.2023 and they were found absent without any steps. The warrant of arrest have been issued against them and as such they were brought under arrest on the strength of warrant issued by this Court vide order no. 19 dt. 15.03.2023 of this case.

Ld. Advocate appearing for the petitioner submits that they have an idea that since the matter has been amicably settled in view of divorce as claimed, as such they did not bother to appear before this

Ld. Court on 15.03.2023. Moreover, they are in custody since 23.03.2023. Considering the bad antecedent conduct as suggested from the materials on record I am not at all inclined to pass any bail as sought for. Thus, the prayer for bail is refused.

Three accused be remanded to J.C till 29.07.2023.

To date for production and consideration of charge.

D/C by me

Additional District & Sessions Judge,
1st Court, *Bongaon North 24 Parganas.*