

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

**Special Case No.32/2023**

**CNR – WBSP01-001755-2023**

Ref.: Tiljala PS Case no: 24/2023 Dated : 03.02.2023

U/s 120B/366A/370A/372 of I.P.C and section 3/4/5/6/7 of I.T (P) Act and u/s 4/17/21 of the Protection of Children from Sexual Offence Act, 2012.

Present :Manas Ranjan Sanyal (JO Code - WB00666)

Judge, Special Court & 2nd A.S.J.,

Alipore, South 24-Parganas.

State Vs.Md. Sahabuddin @ Vicky & Ors

Order No.10

Dt.24.03.2023

Accused **Md. Sahabuddin @ Vicky** and **Sanju Hossain** are produced from J.C through VCS.

Today is fixed for hearing of bail petition on behalf of accused Sanju Hossain.

Today another bail petition is filed on behalf of Md. Sahabuddin @ Vicky along with fresh vokalatnama.

Heard both sides.

Learned advocate for accused Sanju Hossain submits that accused is innocent and he has been falsely implicated in this case. He is in custody since 11.02.2023. Moreover as per prosecution he used to look after the business of Sahabuddin. In the F.I.R as well as statement u/s 164 of Cr.P.C there is no direct allegation of any penetrative sexual assault against this accused. No bail prayer is either pending or rejected before any higher forum. Accused may be enlarged on bail imposing any terms and conditions.

Learned advocate for accused Md. Sahabuddin @ Vicky submits that accused is innocent and he has been falsely implicated in this case. He is in custody since 03.02.2023. The tenancy agreement seized by prosecution is of 2018 and this is 2023 and tenancy agreement was for 11 months. So the accused is not at all tenant of the alleged premises. The investigation has fairly progressed. No bail prayer is either pending or rejected before any higher forum. So, accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the CD and other materials on record.

This is a case of sexual exploitation of minor girls. It appears from CD that both the accused are involved in this case and there are serious allegation against them. It appears from the CD that tenancy agreement was subsequently renewed and is in operation till date. Moreover, during TI parade both the accused persons are identified and victim girl raised serious allegation of penetrative sexual assault against both the accused person. Investigation has not yet been completed. So, if at this stage accused is granted bail there is every possibility of tampering the evidence. Accordingly, bail prayer of both the accused is rejected.

Fix **06.04.2023** for production of both accused and I.O's report.

D/c by me.

Sd/-Manas Ranjan Sanyal  
Judge, Special Court &  
2nd A.S.J., Alipore.

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