

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

Special Case No. 71/2024

CNR: WBSPO1-002586-2024

Ref.: Jadavpur PS Case no: 28/2024 Dated :21.02.2024

U/s 366A/370/372/373/120B of I.P.C read with Sec 04/17 of the Protection of Children from Sexual Offence Act and section 3/4/5/6/7 of Immoral Traffic (Prohibition) Act.

Present :Mir Rashid Ali (JO Code - WB00701)

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

Alipore, South 24-Parganas, In-charge.

State Vs. Bablu Ghosh and others.

Order No.06

Dt. 19-03-2024

The accused Bablu Ghosh, Rinku Roy and Mohua Singh alias Mohua Mallick alias Rina are produced before this Court through VCS.

I.O. of this case has submitted a prayer for addition of section 376 of IPC read with section 4 of POCSO Act to this case. I.O has also submitted a prayer for medico legal examination of the accused Hemanta Patwa.

A bail petition along with two separate vokatnamas has been filed on behalf of the accused persons namely Bablu Ghosh and Rinku Roy. A separate bail petition has been filed on behalf of the accused person namely Mohua Singh alias Mohua Mallick alias Rina.

I.O of this case has made prayer for judicial custody of the accused persons and rejection of the bail prayer of the accused persons.

Ld. Advocate for the accused persons submitted that the accused persons are innocent and have been falsely implicated in this case and they are in no way connected with the commission of the alleged offence. Ld. Advocate further submitted that the accused Mohua Singh alias Mohua Mallick alias Rina is the mother of the victim girl and the accused persons are local residents and there is no scope of their absconsion, if they are enlarged on bail. Thus he prayed for bail of the accused persons.

Ld. Special P.P. raised objection against the prayer for bail.

Heard both sides.

Perused the materials in the case record and CD.

It is a case 366A/370/372/373/120B of I.P.C read with Sec 04/17 of the Protection of Children from Sexual Offence Act and section 3/4/5/6/7 of Immoral Traffic (Prohibition) Act. Considering the facts and circumstances of the case, the nature and gravity of the offence, also the materials in the CD and the early stage of investigation, I am not inclined to enlarge the accused persons on bail.

Hence, the prayer for bail of the accused persons stands rejected.

Having heard both sides and on perusal of the statement of the victim girl recorded under section 164 of Cr.P.C. and the materials collected by the I.O. concerning commission of offence under section 376 of IPC, I am inclined to allow the I.O's prayer for adding section of 376 of IPC read with section 4 of POCSO Act.

Contd.....

Contd. Order No.06 dt. 19-03-2024

Accordingly, the sections 376 of IPC read with section 4 of POCSO Act is added to this case.

Note in the relevant register and CIS.

The Professor of Forensic and State Medicine, Medical College & Hospital, Kolkata is requested to conduct the medico-legal examination upon the accused Hemanta Patwa and send the report as early as possible.

The I.O is also directed to produce accused person to the hospital on the scheduled date.

To 02-04-2024 for production of the accused persons and I.O's report.

Return CD.

D/c by me.

Sd/-

Judge, Special Court &
2nd A.S.J., Alipore, In-charge

Sd/-

Judge, Special Court &
2nd A.S.J., Alipore, In-Charge