

Special ST - 25(02)2023

Special Case No.144/2020

CNR -WBSP01-007031-2020

Present :Manas Ranjan Sanyal (JO Code - WB00666)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

05
22.06.2023

Out of four accused persons one accused person namely **Kiran Kumar** is produced from J.C through VCS.

Accused persons namely **Nisha Rani @ Gomathi Eshwari** and **Jasmin Salim Mollah @ Sathi @ Lovely** are produced from Alipore Women Correctional Home in person.

Accused **Abed Ali Molla @ Abed Ali** on bail is present by filing hazira.

Today is fixed for cross examination of PW-1/Victim girl.

Learned Special P.P is present with witness.

Learned Defence Counsel is also present.

On consent of both side the case record is taken up for consideration of charge in respect of accused **Abed Ali Molla @ Raju**.

Learned Special P.P-in-charge opens the case by describing the charges to be framed against the accused persons.

Heard both sides. Perused the materials on record and in C.D.

On perusal of the same, I find sufficient materials against accused person namely **Abed Ali Molla @ Abed Ali** under section 363/365/370/370A/372/376D of I.P.C, section 6 of POCSO Act, 2012 and section 5/6/7 of Immoral Trafficking (Prevention) Act.

Charge is framed accordingly against accused **Abed Ali Molla @ Abed Ali under section 363/365/370/370A/372/376D of I.P.C, section 6 of POCSO Act, 2012 and section 5/6/7 of Immoral Trafficking (Prevention) Act** on separate sheet of paper and the same is kept with the case record.

The contents of the charges are read over and explained to the accused person in Bengali to which he pleads not guilty and claims to be tried.

The identity of the victim girl is required to be kept confidential as per provisions of **Sec 33 (07) of POCSO Act, 2012** as well as **under the direction of the Hon'ble Supreme Court in Nipun Saxena Vs Union of India** and **the direction of the Hon'ble High Court, Calcutta in Bijoy @ Guddu Das Vs The State of West Bengal** and also in **Prabir Bhuian Alias Prabir Bhuinyan Vs The State of West Bengal**. So to prevent the disclosure of the

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identification of the said victim girl, her name and address is not mentioned in the above said charge form.

Now the case record is taken up for evidence.

Victim Girl is cross examined by Defence in full and then discharged.

At this stage a bail petition has been filed on behalf of accused Kiran Kumar.

Heard both sides.

Learned advocate moves bail application on behalf of accused and submitted that this accused is in custody since 10.02.2022. Victim girl has already been examined. No bail petition is either pending or rejected before any higher forum. So, accused may be granted bail on any condition.

Learned Special P.P-in-Charge raises objection.

Defacto complainant also raises objection.

Perused the CD and evidence adduced by victim girl.

This is a case of human trafficking and sexual exploitation of minor victim girl. It appears from the CD that this accused was also closely involved with this case. Moreover, accused person is the resident of the Bangalore and if the accused is granted bail then there is every possibility of his absconson. Considering the above fact and circumstances I am not inclined to grant bail to this accused. Accordingly bail petition of accused Kiran Kumar is rejected.

Fix **15.07.2023** for production of custody accused, appearance of C/B accused and evidence of complainant.

I.O is directed to produce the witness on the date fixed positively.

D/C by me
Sd/-Manas Ranjan Sanyal
A.S.J 2nd Court, Alipore
South 24 Pgs

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Addl. Session Judge
2nd Court Alipore
South 24 Pgs