

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.144/20
CNR - WBSP01-007031-2020

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

Order No.41
Dt.17.06.2022

Out of three 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 on bail is present by filing hazira.

Learned advocate for Defacto complainant is also present today.

Separate bail petition has been filed on behalf of accused Kiran Kumar and Nisha Rani @ Gomathi Eshwari and another bail petition on behalf of accused Jasmin Salim Mollah @ Sathi @ Lovely was kept with the case record.

All the bail petitioners are taken for hearing.

Heard both sides.

Learned advocate for accused persons namely Kiran Kumar and Nisha Rani @ Gomathi Eshwari submitted that charge sheet has already been submitted and the victim girl in her statement u/s 164 of Cr.P.C nowhere mentioned the name of Gomethi Eshwari. The Gomethi Eshwari and Nisha Rani are not the same person. Gomethi Eshwari has been implicated in this case falsely. The principal accused has already been granted bail. So, accused persons may be enlarged on bail imposing any terms and conditions.

Learned advocate for accused Jasmin Salim Mollah @ Sathi @ Lovely submitted that this accused person is not named in the F.I.R and charge sheet has not filed agianst her. She is in custody for a considerable period and regarding her citizenship the I.O has not yet submitted any satisfactory documents to show that she is a Bangladeshi Citizen. Accordingly, she may granted bail imposing any terms and conditions.

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

Perused the materials on record and in CD.

It appears from record that charge sheet has already been submitted against accused Kiran Kumar and Nisha Rani @ Gomathi Eshwari. This is a case of child trafficking. Accused persons are identified in T.I. Parade so without examining the victim girl the accused persons should not be granted bail.

Contd...

Special Case No.144/20
CNR – WBSP01-007031-2020

Contd...Order No.41

Dt.17.06.2022

Regarding accused Jasmin Salim Mollah @ Sathi @ Lovely I find from the CD that I.O has collected some document during investigation from which prima facie it transpires that the accused may be Bangladesh Citizen. The Aadhar Card, PAN Card has not yet been verified. The husband of this accused is also absconding. So at this stage bail prayer of this accused should not be granted. Accordingly bail prayer of accused persons namely Kiran Kumar, Nisha Rani @ Gomathi Eshwari and Jasmin Salim Mollah @ Sathi @ Lovely are rejected.

Accused persons are remanded to J.C.

learned advocate Mr. Uday Naryan Chowdhury and Dipanjan Dutta filed a petition that they will defend accused Kiran Kumar and Gomathi. Accordingly learned Sarfaraz Hossain being the standing Counsel for DLSA, Alipore is to defend accused Kiran Kumar and learned advocate, Sudeshna Dasgupta appeared on behalf of accused Gomathi Eshwari @ Nisha Rani and the copy of charge sheet of accused Kiran Kumar has been handed over the learned advocate Mr. Sarfaraz Hossain.

To 30.06.2022 for production, appearance and I.O's report.

D/c by me.

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

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