

Special Case No. 216/18

Order No.13

Dt.13.12.2018

Out of five accused persons, accused Uddalak Maitra and Monojit Das are produced from J.C through V.C.S. Accused Pinki Rajak, Mithu Ghosh and Krishna Singh are produced from J.C in person.

Today is fixed for hearing bail petitions.

Copy already served to Id. Special P.P and Objection noted.

During hearing Ld. Advocate for the accused Monojit Das and Krishna Singh have submitted that these accused persons have been falsely implicated in this case and charge sheet has been submitted against the accused Monojit Das u/s 7 of I.T (P) Act and against accused Krishna Singh u/s 4 /7 of I.T (P) Act read with section 120B of I.P.C. So he prays for grant of bail of the accused person.

Ld. Advocate for accused Pinki Rajak has submitted that the accused is innocent and is in J.C for long time and charge sheet has been submitted against the accused u/s 4 /7 I.T (P) Act read with section 120B of I.P.C. So he prays for bail of this accused person.

Ld. Advocate for accused Mithu Ghosh has submitted that this accused has been falsely implicated in the this case and this accused is no way connected with the alleged offence. So he prays for grant of bail.

Ld. Special P.P raised strong objection by submitting that the accused persons are connected with trafficking business. She has pointed out that the I.O has submitted charge sheet showing the particulars of charge sheet accused persons, wherein she has noted the charge against each accused. So she prays for rejection of the bail applications.

Heard all sides. Perused the applications on record. Considered.

On consideration of the same, I find that it is a case under Immoral Trafficking (Prevention) Act and POCSO Act. Charge sheet of this case has been submitted. It comes out from the charge sheet that in continuation page of column no.11 of the charge sheet, particulars of the accused persons charge sheeted have been described by the I.O. According to that particulars, charge sheet has been given against accused Krishna Singh under section 120B of I.P.C and 3/4/5/6/7/18 of I.T (P) Act and section 4/17/21 of the Protection of Children from Sexual Offences Act, 2012 and against accused Monojit Das under section 120B of I.P.C and 3/4/5/6/7/18 of I.T (P) Act and section 4/17/21 of the Protection of Children from Sexual Offences Act, 2012. It also comes out from the continuation page of column no.11 of charge sheet that charge sheet has been given against accused Pinki Rajak under section 120B of I.P.C and 3/4/5/6/7/18 of I.T (P) Act and section 4/17/21 of the Protection of Children from Sexual Offences Act, 2012. It also come from the heading of the charge sheet in column no.3 it has been mentioned that charge sheet has been submitted against all the accused persons including accused Mithu Ghosh u/s 120B/366A/370/373 of I.P.C read with section 3/4/5/6/7/18 of I.T (P) Act and section 4/17/21 of the Protection of Children from Sexual Offences Act, 2012. Considered other materials in record also. Considering the gravity of offence and materials in record, I am not inclined to allow bail prayer of the accused persons.

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Hence, the bail applications of the accused persons namely Mithu Ghosh, Monojit Das, Krishna Singh and Pinki Rajak stand rejected.

None moves the bail petition of accused Uddalak Maitra. Hence his bail petition is rejected.

It comes out that in the last page of the charge sheet submitted by the I.O namely Inspector Trishna Bose in this case while describing the brief facts, the I.O has failed to mention the proper sections in accordance with the sections earlier described by her in the front page and in the continuation page of column no.11 against each accused persons and there is disparity. It is a very serious and sensitive case of immoral trafficking and POCSO Act wherein utmost care is needed in dealing with the investigation. But by submitting this charge sheet, in my opinion, the I.O has failed to deliver her duty properly. Under such circumstances, let a copy of this order along with a copy of the charge sheet be sent to the Joint Commissioner of Police (Crime), Lal Bazar for information and necessary action.

To 22.02.2019 for production and E/R of W/A against accused Tapasi Halder and hearing of the petition filed by De-facto complainant.

Return C.D.

D/c by me.

Sd/-
Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

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