

**Special Case No.277/2023**

**CNR – WBSP01-012929-2023**

Ref.:Haridevpur PS Case no: 419/2023 Dated : 07.09.2023

U/s 354/376(2)(d)(k)(l) of I.P.C read with Sec 6/10/21 of the Protection of Children from Sexual Offence Act r/w section 92(d) , Rights of persons with disabilities Act, 2016

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

Order No.09

Dt.10.10.2023

Accused **Jabesh Dutta and Kaberi Das** are produced from J.C through VCS.

Today is fixed for hearing of bail petition of accused Kaberi Das.

A bail petition has been filed on behalf of the accused Jabesh Dutta.

A medical report in respect of FUTP Kaberi Das has been received from the Superintendent of Alipore Women's Correctional Home. Let the same be kept with the case record.

I.O has also made prayer for recording the statements of the blind survivors denoted as **SK, GD** and **AS** u/s 164 of Cr.P.C. She has also made prayer for arranging for taking the specimen signature of both the accused persons for investigation. She has also made prayer for sending the item no.1 as per seizure list dated 12.09.2023 to CFSL, Kolkata for investigation.

Heard learned Special P.P-in-Charge as well as the I.O. Perused the prayers.

Prayers of the I.O are considered and allowed for benefit of the victim survivors and for the purpose of investigation.

**Learned A.C.J.M., Alipore** is requested to record statement of three blind survivors denoted as **SK, GD** and **AS** either personally or by deputing any other Magistrate with the help of support person at the earliest.

**Learned A.C.J.M, Alipore** is requested to take specimen signature of accused persons namely **Jabesh Dutta** and **Kaberi Das** either personally or by deputing any other Magistrate at the earliest

The Director QDEB, CID, West Bengal is directed to submit expert opinion after comparison of the same with the signature in the seized document for the purpose of the investigation.

**The Superintendent of concerned Correctional Home** is directed to cooperated with the I.O in taking specimen handwriting of the above named accused persons.

The I.O is directed to send item no.1 as per seizure list dated 12.09.2023 to CFSL, Kolkata with proper authentication.

Now the case record is taken up for hearing of bail petition of both the accused.

Heard both sides.

Ld. Advocate for the accused Jabesh Dutta submitted that this accused

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is innocent and has been implicated in this case falsely. No bail prayer is either pending or rejected by any superior court. Thus he prayed for bail on any condition.

Ld. Advocate for the accused Kaberi Das submitted that the accused had been working as principal of school for visually impaired student. She has been suffering from heart ailments and she has been implicated in this case falsely. Accused is in custody since 07.09.2023. No bail prayer is either pending or rejected by any superior court. Thus he prayed for bail on any condition.

Ld. Special P.P raised objection.

Defacto complainant is present before the Court who also raised objection against the bail petition of the accused through VCS.

Perused the C.D especially this statement of the victim girl recorded u/s. 164 Cr.P.C.

There are serious allegation against the accused. Investigation is in full swing. At this stage it is not apt stage to enlarge the accused persons on bail. Accordingly bail petitions of both the accused persons are considered and rejected.

Accordingly **the Superintendent, Alipore Women Correctional Home** is directed to provide necessary medical aid to accused **Kaberi Das** and submit report to this Court regarding the health condition of this accused.

Let a copy of this order be sent to Superintendent of Presidency Correctional for information and taking necessary action.

To **18.11.2023** for production of accused and I.O's report due to ensuing Puja Vacation which will be commenced on 19.10.2023.

D/c by me.

Sd/- Sudipta Bhattacharjee  
Judge, Special Court &  
2nd A.S.J., Alipore.

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