

Special Case No.278/2023

CNR – WBSP01-012930-2023

Ref.:Haridevpur PS Case no: 420/2023 Dated : 07.09.2023

U/s 376(2)(d)(k)(l) of I.P.C read with Sec 6/21 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.

State Vs. Jabesh Dutta & Ors.

Order No.04

Dt.16.09.2023

Accused **Jabesh Dutta, Bablu Kundu and Kaberi Das** are produced from P/C.

Perused the medical report of the accused persons.

The I/O has also submitted the rescue memo of the victim is sealed envelope and redacted copy. Let it be kept with the record.

This day I/O also has made prayer for further P.C of this accused till 21/09/2023.

Heard Ld. Special P.P. as well as the accused person.

The Ld. Lawyer for the respective accused persons have submitted that there are no allegation against the present accused persons. They also submitted that in forwarding report 07/08/2023 was written though the case was not instituted on that day. The Ld. Lawyer for the accused Kaberi Das submitted that she is suffering heart disease. Thus they prayed for bail by rejecting P.C.

The alleged sexual assault took place against the blind student in a school years together. There are serious involvement of both the accused persons. Section 6/21 of Posco Act has already been incorporated. It appears from the P.C prayer that A.C.C.I.W, D.D.(I) forwarded and recommended further prayer of the P.C. From the submission prosecution as well as the I/O it appears that the I/O requires further P.C. for the purpose of investigation and for eliciting the truth and the motive behind the commission of crime. The I/O pointed out that the blind victim girl are still traumatised.

Considering all these I am inclined to allow the prayer.

Accused **Jabesh Dutta, Bablu Kundu and Kaberi Das** are remanded to police custody till **21.09.2023**. I.O is further directed to observe the guidelines of the Human Right Commission and direction of the Hon'ble Supreme Court regarding police custody of the said accused persons. I.O is also directed to take all necessary steps for medical check-up of the accused at the regular intervals and not to make any kind of torture during P.C period.

Since PC prayer is allowed the bail petition of these accused is considered and rejected.

To **21.09.2023** for production of accused from PC and I.O's report.

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

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