

**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.10

Dt.10.10.2023

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

Today is fixed for hearing bail petition of accused Jabesh Dutta and Bablu Kundu.

Heard. both sides.

Ld. Advocate for the accused Jabesh Dutta submitted that this accused 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 Bablu Kundu submitted that this accused 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. 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. It is not apt stage to enlarge the accused persons on bail. Accordingly, bail petitions of both the accused persons namely Jabesh Dutta and Bablu Kundu are considered and rejected.

At this stage I.O has made prayer for allowing shown seizure of seized document of Haridevpur P.S Case No.419 of 2023 (Special Case No.277/23) seized on production vide seizure list dated 05.10.2023 into the instant case being also relevant into the instant case.

Heard learned Special P.P. Perused the prayer.

Prayer is considered and allowed.

Let the seized document of Haridevpur P.S Case No.419 of 2023 (Special Case No.277/23) seized on production vide seizure list dated 05.10.2023 be shown into the instant case.

At this stage learned advocate on behalf of accused Bablu Kundu filed a petition u/s 91 of Cr.P.C r/w sec 65B and 65B(2) of Evidence Act praying for directing the I.O to produce the video tape and recording associated with this case.

Heard both sides.

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Fact remains that the Court has an ample power to call for any document during investigation. There are serious allegation against the accused person that he has allegedly committed rape upon the blind victim girls in the blind Home. During hearing the learned lawyer for accused submitted that I.O initially recorded statement of the victim by way videography which he prayed for producing the same before the Court for perusal. It appears that investigation is at initial stage and it is in progress. Initially the Police of Haridevpur P.S started the investigation but subsequently it has been handed over to the Special Juvenile Police Unit (SJPU). In such circumstances I.O is directed to produce all the documents before the Court including videograph documents if any to the Court after completion of legal formality as provided u/s 65B and 65B(2) of Evidence Act.

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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