

**Special Case No.281/2023**

**CNR – WBSP01-012998-2023**

Ref.:Jadavpur PS Case no: 150/2023 Dated : 11.08.2023

U/s 302/34 of I.P.C read with Sec 12 of the Protection of Children from Sexual Offence Act 4 of the West Bengal Prohibition of Ragging in Educational Institute Act, 2000

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

State Vs. Sourav Chowdhury & Ors

Order No.01

Dt.11.09.2023

Received the case record alongwith F.I.R bearing Jadavpur PS Case no: 150/2023 Dated : 11.09.2023 and other documents from learned Additional Chief Judicial Magistrate, Alipore.

Register the same as Special Case No.281/2023 u/s 302/34 of I.P.C read with Sec 12 of the Protection of Children from Sexual Offence Act4 of the West Bengal Prohibition of Ragging in Educational Institute Act, 2000.

Accused persons namely **1. Sourav Chowdhury, 2. Dipsekhar Dutta, 3. Manotosh Ghosh, 4. Asit Sardar, 5. Saptak Kamilya, 6. Md. Asif Afzal Ansari, 7. Ankan Sarkar, 8. Md. Arif, 9. Sumon Naskar, 10. Satyabrata Roy, 11. Sk. Nasim Akhtar and 12. Himangshu Karmakar** are brought under arrest. They are taken into judicial custody.

Separate bail petitions have been filed on behalf of the accused persons along with vokatnama.

Heard. both sides.

Ld. Advocate for the accused 1. Sourav Chowdhury submitted that his only role is to help the victim to get himself admitted in the hostel of Jadavpur University Campus. Defacto complainant did not specifically state about the involvement of the accused. Thus he prayed for bail on any condition.

Ld. Advocate for the accused no. 2. Dipsekhar Dutta and 3. Manotosh Ghosh submitted that they are totally innocent and only complicity has been transpired. Nothing was recovered from their possessions. Thus he prayed for bail on any condition.

Ld. Advocate for the accused no. 4. Asit Sardar submitted that he is a kidney patient and is final Sanskrit student. Thus he prayed for bail on the health ground.

Ld. Advocate for the accused no.7. Ankan Sarkar submitted that he has been implicated in this case falsely on the complicity ground and his internal examination of the university is about to commence. Thus he prayed for bail on any condition.

Ld. Advocate for the accused no.8. Md. Arif, 9. Sumon Naskar and 10. Satyabrata Roy, submitted that these accused were arrested on the complicity ground and nothing was transpired in their forwarding report. Thus he prayed for bail on any condition.

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Ld. Advocate for the accused no.11. Sk. Nasim Akhtar and 12. Himangshu Karmakar submitted that these accused were arrested on the complicity ground and nothing was recovered from their possessions inspite of taking P.C. Thus he prayed for bail on any condition.

Ld. Special P.P raised strong objection.

The defacto complainant is present who also raised objection.

Perused the C.D and materials on record. .

It appears from the case record that initially the case was started u/s 302/34 of the I.P.C read with section 4 of the West Bengal Prohibition of Ragging in Educational Institute Act, 2000. Subsequently section 12 of the POCSO Act has been added. The case has been transferred to this case for disposal as it is Special Court under POCSO Act. A 17 years old boy came to the hostel with a dream of his life but he was found dead in naked condition. Initially the police was not allowed to enter into Jadavpur University Campus and as such a case was started u/s 353 of I.P.C. The allegation against these accused persons are serious in nature. Investigation is at very early stage. Few days ago the case has been handed over to the DD, Lal Bazar. Investigating Agency should be given scope to elicit the truth by way of investigation. Under such circumstances I am not inclined to release these accused persons on bail. Accordingly bail petition of these accused persons stands rejected.

The accused / petitioner namely Ankan Sarkar is to take an appropriate steps. It is quiet dark as to when the examination of the accused will be commenced.

The defacto complainant by filing a petition along with affidavit prayed for incorporating the name of the deceased victim for renaming the Bagula Rural Hospital in the memory of the deceased victim and to set up the statue of deceased victim in front of the hospital.

Heard. Perused the petition.

Fix 16.09.2023 for hearing of the petition filed on behalf of the defacto complainant.

Fix 25.09.2023 for production of the accused and and I.O's report.

I/O is directed to inform the defacto complainant on the date fixed.

D/c by me.

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

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