

**Special ST -02(06)2024**

**Special Case No. 311/2023**

**CNR –WBSP01-014664-2023**

Present :Sudipta Bhattacharjee (JO Code - WB00794)

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

Alipore, South 24-Parganas.

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05.06.2024

Accused **Fatema Laskar** is produced from J.C through V.C.S.

Today is fixed for consideration of charge.

Learned Special P.P-in-charge namely is present.

Learned Defence Counsel is also present.

Learned Special P.P-in-charge opened the case by describing the charges to be framed against the accused person.

Perused the materials on record and C.D.

On perusal of the same and considering all these this court is of the opinion that there is sufficient ground for presuming that the accused Fatema Laskar had committed the offence u/s 363/366A/372/120B of IPC and section 6 read with section 17 of POCSO Act. Accordingly the charge is framed against the accused Fatema Laskar **u/s 363/366A/372/120B of IPC and section 6 read with section 17 of POCSO Act, 2012** on separate sheet of paper and the same is kept with the case record.

The contents of the charges is read over and explained to the accused person in a vernacular language to which she pleaded not guilty by saying “Ami Nirdosh” and claimed to be tried.

At this stage the bail petition filed on behalf of the accused person is taken up for hearing.

Heard both sides.

Ld. Advocate for the accused person has submitted that the accused person is quite innocent and has been falsely implicated in this case and she is in custody since 09-10-2023. Ld. Advocate further submitted that previously though the bail petition was rejected by the Court, but the other three accused persons were not arrested and WPA was issued and thereafter case was filed against three accused persons, who were charge sheeted in this case. He also pointed out that the accused Fatema Laskar is the relative of the victim. There is no chance of absconion of the accused being a woman, if she be enlarged on bail and also submitted that no bail petition is either pending or rejected by or before any higher Forum. Thus, he prayed for bail of the accused in any condition.

Ld. Lawyer for the defacto complainant has raised objection against the prayer for bail of the accused.

Ld. Special P.P. in-charge raised objection against the prayer for bail of the accused person.

It appears that the police, after completion of investigation, submitted charge sheet against four accused persons namely Fatema Laskar, Mansura Laskar,

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**Contd. Order No.1 dated 05.06.2024**

Masuda Laskar, Monirul @ Sk. Abul Hossain. Out of the said four accused persons, accused Fatema Laskar is in custody and other three accused persons namely Mansura Laskar, Masuda Laskar, Monirul @ Sk. Abul Hossain remained absconder for a long time. Initially W/A was issued against three absconding accused persons. Subsequently, WPA was issued and ultimately the case was filed against the three accused persons. As such, the case is proceeded against the present accused person Fatema Laskar. Police has failed to secure the attendance of the absconding accused persons before the Court. Charge has already been framed. From the charge sheet and the charge framed by the Court, it transpires that the main allegations are against the accused persons namely Mansura Laskar, Masuda Laskar, Monirul @ Sk. Abul Hossain who are absconding in this case. The statement of the victim spoke nothing about involvement of the present accused person in the commission of the alleged crime. The accused is in custody for a long time. Considering all, I am inclined to enlarge the accused on interim bail.

Accordingly, the accused **Fatema Laskar** may find interim bail of Rs. 5,000/- (rupees five thousand only) with two sureties of Rs. 2,500/- (rupees two thousand five hundred) each till 13-06-2024 subject to satisfaction of learned C.J.M Alipore with condition that the accused person shall not enter into the jurisdiction of the P.S. where the victim resides and she will submit the detailed address to the Court as well as to the I.O. of this case where she resides after getting the bail and to attend the Court regularly i.d to J.C. The Officer-in-charge, Basanti P.S. is at liberty to arrest the accused if the accused violates any condition as imposed in granting bail without any further reference to this Court.

Let a copy of this order be sent to the O/C, Basanti P.S. for information.

Let another copy of order be sent to the AHTU, Baruipur Police District for information.

If on interim bail to **13.06.2024** for appearance of accused and evidence of victim girl.

I.O is directed to bring the victim girl on the date fixed positively.

Prosecution did not submit the draft charge form in this case.

Return CD.

D/C by me

Sd/-  
A.S.J 2<sup>nd</sup> Court, Alipore  
South 24 Pgs

Sd/-  
Addl. Session Judge  
2<sup>nd</sup> Court Alipore  
South 24 Pgs