

Special Case No. 234/2019

Order No.43

Dt.09.10.2020

Accused persons namely Uttam Biswas, Somnath Das, Abhirup Nandy @Jishu, Rabi Pramanik @Abir and Prasenjit Banerjee @Jay are produced from J.C through V.C.S.

Accused, Arpita Das, Laxmi Sarkar @Payel, Arpita Majumder and Ruksana Bibi @Tuktuki are not produced from J.C.

Learned advocate, Mrs. Sudeshna Dasgupta moves bail prayer on behalf of accused, Abhirup Nandy @ Jishu and submits that this accused is in custody for about 90 days. His child is sick. He is an employee in a Financial Company. He will not abscond if he is released on bail.

Learned advocate, Mr. Deepak Prahaladka moves bail prayer on behalf of accused Prasantij Burman, Arpita Das and Ravi Pramanik @ Abir and submits that charge sheet has been submitted on the basis of false documents. Entire process of investigation is without authority. These accused persons are in custody since the date of their arrest. They never moved before any Superior Court. There is no material against them. Police has framed this case by tutoring the victim girls. There is no prima facie material to frame charge against the accused persons. Statement made by the victim girls before the Judicial Magistrate is not conclusive evidence. It requires corroboration. Police has exceeded its jurisdiction and investigated the case without authority of law. Therefore, all the accused persons are entitled to be released on bail.

Learned Special P.P raises objection and submits that bail application of co-accused persons have been rejected by the Hon'ble High Court. All the accused persons were involved in the sex racket. They executed the plan in an organized manner. She has objection in releasing any of the accused persons on bail.

Whether the police has authority to investigate the case or not, is the question to be decided at different level. But it transpires from the case record that there is prima facie materials against the accused persons and on being satisfied with the evidence, the Investigating Agency has submitted the charge sheet against these accused persons and the Hon'ble High Court after perusal and consideration of materials placed on record, was pleased to reject the bail application of other co-accused persons. After hearing both sides and considering the materials on record, there is no reason to form different views. Accordingly, bail application of all four accused persons is rejected.

Hearing on the point of charge is adjourned as party are not ready. Moreover, lady accused persons are not produced from J.C.

No earlier date is available due to ensuing long Puja Vacation.

Accused persons are remanded to J.C till 15.12.2020.

Fix 15.12.2020 for production and consideration of charge.

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

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