

Special Case No. 234/2019

Order No.49

Dt.21.12.2020

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.

Hearing on the point of charge is adjourned as the lady accused persons are not produced from the custody.

Learned advocate for accused, Uttam Biswas moves his bail application and submits that this accused has been arrested on the ground of complicity during investigation. Nothing transpired against him. He has been identified in T.I Parade. He has been languishing in custody for no reason. He is the sole breadwinner of his family. There is no one in his house to look after his ailing parents. He may be enlarged on bail imposing any terms and conditions.

Learned advocate for accused, Arpita Majumder moves her bail application and submits that she is in custody for about 420 days. She has a kid. There is nothing against her. Her name did not transpire in the statement recorded u/s 164 of Cr.P.C. She may be enlarged on bail imposing any terms and conditions.

Learned advocate for accused, Arpita Das moves her bail application and submits that she is in custody for about 420 days. There is nothing against her. Her name did not transpire in the statement recorded u/s 164 of Cr.P.C. She may be enlarged on bail imposing any terms and conditions.

Learned advocate for accused, Ruksana Bibi @Tuktuki moves her bail application and submits that she is in custody for about 420 days. She is the brothel owner. He prays for her release on any terms and conditions.

Learned advocate for accused, Prasenjit Banerjee @Jay and Rabi Pramanik @Abir moves their bail application and submits that these two accused persons never approached before any Superior Court. Police has submitted charge sheet without jurisdiction. NIA is the competent authority to investigate this type of offence. Charge sheet submitted by police is not accordance with law. These two accused persons carry on business of supplying goods on call. They were no way involved in the alleged child trafficking. Girls were recovered from somewhere else and shown recovery in this case. One application of accused, Arpita Das is pending before the Hon'ble High Court, Calcutta. They were arrested without any basis. Their names transpired long after their arrest. These accused persons are entitled to be enlarged on bail.

Learned Special P.P raises objection against bail applications of all the accused persons and submits that bail application of accused, Ruksana Bibi, Abhirup Nandi, Laxmi Sarkar @ Payel and Uttam Biswas have been

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rejected by the Hon'ble High Court recently. There is serious allegation against all the accused persons. None can be separated from the role played by others. This Court is not competent to decide whether the police has the authority to investigate this case or not. On every occasions, defence is coming with the plea that NIA is the competent authority to investigate the case of this nature. In that event, defence should approach the Hon'ble Court for suitable order.

It is a case relating to child trafficking. Investigation has resulted in the filing of charge sheet against the accused persons. There are several rejection orders from the Hon'ble High Court. There is no convincing ground for releasing any of the accused persons on bail. Therefore, bail applications of all of them are rejected.

Accused persons are remanded to J.C till next date.

Fix 08.02.2021 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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