

IN THE 2nd COURT OF THE ADDITIONAL SESSIONS JUDGE, ALIPORE

Special ST – 03(09) 21

Special Case No. 234/19

CNR No. WBSP01-015880-2019

Present :Manas Ranjan Sanyal (JO Code - WB00666)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

15
26.08.2022

Today is fixed for hearing bail petition of the accused persons namely Arpita Das, Arpita Majumdar, Somnath Das, Uttam Biswas and Ruksana Bibi.

Heard the bail application separately.

Learned advocate for the accused Arpita Das submitted that there is no such serious allegation against the accused. Vulnerable witnesses have already been examined and no such serious allegation has been raised against this accused. No bail application is either rejected or pending before the higher forum. So accused may be granted bail on any condition.

Learned advocates for the accused Arpita Majumdar and Somnath Das submitted that the vulnerable witnesses have already been examined. These accused persons are in custody for a consideration and there is no such serious involvement of these accused in this case. So accused may be granted bail on any condition.

Learned advocate for the accused Ruksana Bibi submitted that neither in the statement recorded u/s 164 of Cr.P.C or in the statement recorded u/s 161 of Cr.P.C the name of this accused has not been mentioned by the victim. In the evidence also nothing was stated against this accused. So accused may be granted bail on any condition. However, learned advocate fairly submitted that bail application of this accused was rejected by the Hon'ble Court on previous two occasions.

Learned advocate appearing on behalf of accused Uttam Biswas submitted that this accused was implicated in this case after filing of first charge sheet and the victim clearly stated in her evidence that she did not state anything against this accused to police or before the learned Magistrate. So accused may be granted bail on any condition. However, learned advocate appearing on behalf of accused Uttam Biswas also submitted fairly that the bail application of this accused was rejected by the Hon'ble Court.

Learned Special P.P raised objection.

Perused the materials on record.

This is a case of human trafficking for the purpose of commercial sexual exploitation of the minor girls and child sexual abuse. Going through the evidence of the victim girl I find serious involvement of the accused

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Somnath Das and Arpita Majumdar who were directly involved in the trafficking of the minor victim. It is true that the victim girl nowhere mentioned the name of Uttam Biswas before police or learned Magistrate but it appears from the CD that this accused cohabited with the minor victim and the accused was identified in the T.I parade. It is not expected that the minor victim girl should mention the name of the person with whom she was compelled to have sex by the trafficker. Regarding Ruksana Bibi who is shown as brothel owner and naturally the victim girl could not say his name before police or to learned Magistrate. It is not expected that the minor victim should know the name of the brothel owner where the commercial sexual exploitation was happening. Moreover, the Hon'ble Court has rejected the bail prayer of the accused Ruksana Bibi and Uttam Biswas. So, I am not inclined to grant bail to accused Somnath Das, Arpita Majumdar, Ruksana Bibi and Uttam Biswas.

Regarding Arpita Das I do not find any serious allegation against her either in the statement of VG recorded u/s 164 of Cr.P.C or in the evidence adduced by the victim girl. So, considering the evidence against this accused I am inclined to grant bail to her.

Accordingly, accused person namely Arpita Das shall be released on bail of Rs. 5000/-(rupees five thousand only) with two surety of Rs.2500/- (rupees two thousand five hundred only) each subject to satisfaction of learned C.J.M Alipore with condition that the accused Arpita Das shall attend the Court regularly i.d to J.C.

If on bail to dates (20.09.2022 and 23.09.2022) for appearance of accused Arpita Das, production of custody accused persons and evidence.

D/C by me
Sd/-Manas Ranjan Sanyal
A.S.J 2nd Court, Alipore
South 24 Pgs

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Addl. Session Judge
2nd Court Alipore
South 24 Pgs