

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.

18
23.09.2022

Out of nine (09) accused persons, three accused persons namely Abhirup Nandy @Jishu, Rabi Pramanik @Abir and Prasenjit Banerjee @Jay are produced from Baruipur Central Correctional Home through V.C.S.

Two accused persons namely Uttam Biswas and Somnath Das are produced from Presidency Correctional Home in person.

Two female accused persons namely Laxmi Sarkar @Payel and Arpita Majumder are produced from Alipore Women Correctional Home in person. Accused Arpita Das and and Ruksana Bibi @Tuktuki on bail are present by filing hazira.

Today is fixed for evidence.

No witness is turned up today.

At this stage a bail petition is filed on behalf of accused Prasenjit Banerjee, Rabi Pramanik and Abhirup Nandi @ Jishu and on 20.09.2022 bail petitions have been filed on behalf of accused Uttam Biswas, Laxmi Sarkar @Payel and Somnath Das.

All the bail petitions are taken up together for consideration.

Learned advocate on behalf of accused Abhirup Nandi @ Jishu submitted that the vulnerable witness has already been examined in this case and against this accused no such allegation was raised by the VG. So he may be granted bail on any condition.

Learned advocate on behalf of accused Uttam Biswas submitted that he was arrested subsequently and during cross examination the victim girl admitted that she has not stated the name of Uttam Biswas in her statement made before the learned Magistrate and she has not raised any allegation against Uttam Biswas before police. So, considering that cross examination of the victim and also considering that the victim girl has already been examined the accused may be granted bail on any condition.

Learned advocate on behalf of accused Laxmi Sarkar @Payel submitted that during evidence the victim girl did not even mention the name of this accused. The victim girl has not identified him during evidence. Moreover, the accused is a female and his husband has left her child and went with another women. So, considering the above fact the accused may be granted bail on any conditions.

Learned advocate on behalf of accused Somenath Das submitted that this

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accused is in custody for a considerable period and no such serious allegation raised against him. So, accused may be granted bail on any condition.

Learned advocate on behalf of accused Rabi Pramanik @Abir and Prasenjit Banerjee @Jay submitted that the victim girl did not state anything during her evidence against these two accused. So these accused persons may be granted bail on any condition.

Learned Special P.P raises objection.

Perused the materials on record and evidence adduced by the victim girl.

The victim girl raised serious allegation against Somenath Das and Abhirup Nandy @ Jishu that they took her to different places and compelled her to have sex with different persons. These two accused persons were directly involved in commercial exploitation of the minor girls. They have also been identified by the VG during evidence. Moreover, bail prayer of the accused Abhirup Nandy has been rejected twice by the Hon'ble High Court. So, I am not inclined to grant bail to accused Somnath Das and Abhirup Nandy @ Jishu.

Regarding accused Uttam Biswas the victim girl in her evidence stated that Uttam Biswas in one occasion had established physical relation with her and during identification also she identified Uttam Biswas on dock. It is true that during cross examination she stated that she raised no allegation against this accused before learned Magistrate and before police. It is quite natural that when she has been recovered in the present case she failed to mention the name of all the persons who established physical relation with her at different places but only for that reason it cannot be said that the victim girl falsely stated before this Court against Uttam especially the complainant has not been examined in this case. Victim was minor and the accused Uttam Biswas established physical relation with her. There is serious allegation against him and he was identified by the VG in T.I Parade. Therefore I am not inclined to grant bail to the accused Uttam Biswas. Accordingly bail petition of accused Uttam Biswas stands rejected.

Regarding accused Lakshmi Sarkar, Rabi Pramanik and Prasenjit Banerjee I find from the evidence of the victim girl that she did not say anything against these accused persons and witnesses also failed to identify accused Lakshmi Sarkar. Another two accused persons also did not identify. No bail petition is either pending or rejected in respect of

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accused Prasenjit Banerjee and Rabi Pramanik. The bail prayer of accused Lakshmi Sarkar was rejected earlier by the Hon'ble Court before the framing of charge. So, considering the evidence adduced by the VG in respect of these three accused persons I am inclined to grant bail to these accused persons namely Lakshmi Sarkar, Prasenjit Banerjee and Rabi Pramanik on condition that they will not leave the jurisdiction of this Court without permission of this Court till further order.

Accordingly, accused persons namely Laxmi Sarkar @Payel, Rabi Pramanik @Abir and Prasenjit Banerjee @Jay shall be released on bail of Rs. 5000/-(rupees five thousand only) each 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 they will not leave the jurisdiction of this Court without permission of this Court till further order i.d to J.C.

If on bail to 03.12.2022 for appearance of C/B accused persons, production of custody accused and evidence of CSW-12.

I.O is directed to produce the witness on the date fixed positively.

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