

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special Case No.234/19

Ref.:Thakurpukur PS Case no:236/19 Dated :01.11.2019

U/s 366A/370/372/373 I.P.C read with section 4/17 of the Protection of Children from Sexual Offence Act, 2012
and section 3/4/5/6/7/18 of I. T (P) Act.

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

Alipore, South 24-Parganas.

StateVs....Ruksana Bibi and others

Order No.12

Dt.04.12.2019

Accused Somenath Das is produced from J.C through V.C.S.

Accused Arpita Majumdar, Laxmi Sarkar @ Payel and Ruksana Bibi are produced from J.C in person.

Accused Abhirup Nandi @ Jishu, Prosenjit Banerjee @ Joy, Arpita Das and Rabi Pramanick are produced from J.C through V.C.S.

Bail petition of accused Prasenjit Banerjee and Abhirup Nandi has been moved by his Ld. Advocate along with fresh vokalatnamas.

Copy served to Ld. Special P.P. Objection noted.

Ld. Advocate for the accused Prasenjit Banerjee and Abhirup Nandi submits that these accused persons have been falsely implicated in this case and they are in custody since 08.11.2019 and their names are not in F.I.R and no recovery has been made from them and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of their bail.

Now, the bail petition of accused Rabi @ Abir Pramanick has been moved by his Ld. Advocate along with fresh vokalatnama.

Copy served to Ld. Special P.P. Objection noted.

Ld. Advocate for the accused Rabi @ Abir Pramanick submitted that this accused person is innocent and has been falsely implicated in this case and his name is not in F.I.R and there is no seizure from him and he has 06 years old daughter and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of bail.

Now, the bail petition of accused Laxmi Sarkar @ Payel has been moved by his Ld. Advocate.

Copy served to Ld. Special P.P. Objection noted.

Ld. Advocate for the accused Laxmi Sarkar @ Payel submitted that this accused person has been falsely implicated in this case and her name is not in F.I.R and she is a pregnant lady and is in J.C for 28 days and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of her bail.

Bail petition of accused Ruksana Bibi filed on 20.11.2019 has been moved by her Ld. Advocate.

Copy served to Ld. Special P.P. Objection noted.

Ld. Advocate for the accused Ruksana Bibi submitted that this accused person has been falsely implicated in this case and she is in custody since 02.11.2019 and there is no involvement of her in this case and she has her aged mother and a minor child to look after and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of her bail.

Now, the bail petition of accused Somenath Das and Arpita Majumdar filed 14.11.2019 has been moved by their Ld. Advocate.

Copy served to Ld. Special P.P. Objection noted.

Ld. Advocate for the accused Somenath Das and Arpita Majumdar submitted that these accused persons have been falsely implicated in this case and this is only cock and bull story and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of their bail.

At this stage, bail petition of accused Arpita Das has been moved by her Ld. Advocate.

Copy served to Ld. Special P.P. Objection noted.

Contd...

Special Case No.234/19Contd....Order No.12

Dt.04.12.2019

Ld. Advocate for the accused Arpita Das submitted that this accused person is innocent and she is in custody since 07.11.2019 and there is no evidence that she is the owner of brothel and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prayed for grant of her bail.

Ld. Special P.P raised strong objection by submitting that all the accused persons are involved in trafficking of minor girls and this is initial stage of investigation.

Heard both sides. Perused the petition, record and case diary. Considered.

On consideration of the same, I find that it is a case under section it is a case u/s 366A/370/372/373 I.P.C read with section 4/17 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7/18 of I. T (P) Act Immoral Trafficking (Prevention) Act and POCSO Act. Considered the statement of the victim girls u/s 164 of Cr.P.C and Medical Reports along with materials in record. The investigation of the case is going on. It also comes out that during investigation, another victim girl is recovered on the basis of the interrogation of the accused persons. Considering the gravity of offence and materials in record, I am not inclined to allow bail prayer of these accused persons.

Hence, the bail applications of all the accused persons stand rejected.

Accused be remanded to J.C till 18.12.2019.

At this stage, Ld. Special P.P submits that I.O has prayed for recording statements of the victim girl who has been recently recovered during investigation.

Prayer of the I.O for recording statement of victim girl is considered and allowed.

Ld. A.C.J.M., Alipore is requested to record the statements of victim girl u/s 164 Cr.P.C either personally or by deputing any ld. Magistrate under his control to record the same in connection with this case as early as possible.

The I.O. of this case is directed to produce the victim girl on the date,time and place, as fixed by the concerned offices.

To 18.12.2019 for production.

Return CD.

D/c by me.

Sd/-

Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

Sd/-

Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

Later Order No. 02 dated 04.12.2019

The record is being sent to Ld. AC.J.M, Alipore for recording the statement of victim girl u/s 164 of Cr.P.C, Hence skeleton record is opened.

To date (i.e 18.12.2019) for production.

D/c by me.

Sd/-

Sonia Majumdar
Judge, Special Court &
2nd A.S.J., Alipore.

Sd/-

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

