

Special Case No. 234/2019

Order No.38
Dt.24.07.2020

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

Accused persons namely Arpita Das, Laxmi Sarkar @Payel, Arpita Majumder and Ruksana Bibi @Tuktuki are not produced in person.

Bail applications filed by accused persons namely Uttam Biswas, Arpita Das, Arpita Majumder, Rabi Pramanick @Abir, Prasenjit Banerjee @Joy, Laxmi Sarkar @Payel and Somnath Das are taken up for hearing.

Learned advocate Smt. Beauty Sarkar Chowdhury filed her appointment letter issued by D.L.S.A, Alipore on behalf of accused Arpita Majumder to defend her. Let it be filed with the case record.

Learned advocate for accused Somnath Das and Arpita Majumder submits that these accused persons are in custody since 2019. Accused Arpita Majumder delivered a baby in Correctional Home. Considering their long detention and pandemic situation, they may be released on bail imposing any terms and condition.

Learned advocate for accused Uttam Biswas submits that this accused was not involved into the alleged offence. He is in custody since 06.03.2020. He is no way connected with the alleged crime. He may be released on bail imposing any terms and conditions.

Learned advocate for accused Laxmi Sarkar @Payel submits that this accused is in custody since 08.11.2019. She is an innocent person. During her judicial custody, she delivered a baby. Corona Virus is spreading rapidly. Considering the safety of the accused person and her baby, she may be released on bail imposing any terms and conditions.

Learned advocate for accused Prasenjit Banerjee, Rabi Pramanick @Abir, @Joy and Arpita Das submits that this case was registered on the basis of false complaint manufactured by police. Officer in Charge of P.S has no authority to direct the Officer of D.D to register any case of human trafficking. NIA is the competent authority to investigate the case relating to human trafficking. In many other cases of similar nature, he got acquittal from other trial Courts. The accused persons are innocent. They may be released on bail otherwise they would suffer for committing no offence.

Learned Special P.P opposes the bail application and submits that this is an organized crime. It is a case relating to child trafficking. Bail application of co-accused persons has already been rejected by the Hon'ble High Court. She has strong objection in releasing any of them on bail.

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Pendamic condition was assessed by the High Power Committee of the Hon'ble High Court which was not convinced to release any of the accused persons under POCSO Act, 2012 on bail. It reveals from the case record that bail applications of accused Laxmi Sarkar @Payel, Ruksana Bibi @Tuktuki, Abhirup Nandy @Jishu have been rejected by the Hon'ble High Court. There is no special reason to release the accused persons at this stage. Moreover, judicial discipline does not permit me to do so. Considering the materials in record, I am not inclined to release the accused persons on bail. Therefore, their bail applications are considered and rejected.

They are remanded to J.C till 02.09.2020.

To 02.09.2020 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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