

Special ST - 12(01)2023
Special Case No.258/2022
CNR -WBSP01-016033-2022

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

18
08.06.2023

Out of five accused persons, accused persons namely **Arup Sengupta @ Putu, Abhisek Singh @ Nikhil Singh, Sanjay Patra @ Kalu @ Raj, Saheb Adhikary @ Madan and Rahul Singh** are produced from J.C through VCS.

Accused **Amit Ram** on C/B is absent without any steps.

Today is fixed for production, appearance of accused Amit Ram and for passing order in respect of bail petition of custody accused.

Two separate bail application has been filed on behalf of five accused persons one application filed on behalf of accused Abhisekh Singh @ Nikhil and Sanjay Patra @ Kalu @ Raj and another application filed on behalf of accused Arup Sengupta, Saheb Adhikary @ Madan and Rahul Singh.

Both the bail applications are taken up for hearing.

Heard both sides.

Learned advocate appearing on behalf of accused persons submitted that these accused are in custody since 19.10.2022. Out twenty two witnesses all the private witness have been examined. Now only the public witnesses are yet to be examined. So there is no chance of tampering of witnesses. Vulnerable witness and his near relatives have already been examined. No bail petition is either pending or rejected before any higher forum. So, considering the long detention of the accused, the accused persons may be granted bail on any condition.

Ld. Special P.P strongly opposed the bail prayers by submitting that this is case of gang rape.

Defacto complainant is also present who submitted that the accused persons are local boys and if they are granted bail they may show fear and safety and security of the victim will be at stake.

Perused the evidence and other materials on record.

It appears from materials on record that out of 22 witnesses nine witnesses have been examined and it further appears that some private witnesses namely Soumen Samanta and Surajit Mondal of Sodepur Brick Field Road under PS-Haridevpur are yet to be examined. Admittedly all the five accused persons are the local boys of Sodepur under P.S-Haridevpur. The victim girl is also residing there. So if the accused persons are granted bail without examining those private witnesses there is every possibility of tampering witnesses. Moreover, safety and security of the victim and her family cannot be compromised. This is a case of gang rape. So considering the above facts and circumstances I am not inclined to grant bail to these accused without examining those private witnesses. Accordingly, bail petition of accused persons stand rejected.

To **19.06.2023** for production of accused and evidence of CSW-4 and 5.

I.O is directed to bring the above witnesses on the date fixed positively and inform the defacto complainant.

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

Sd/-Manas Ranjan Sanyal
Addl. Session Judge
2nd Court Alipore