

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

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.

05

03.03.2023

Today is fixed for passing order in respect of bail petition dated 02.03.2023 filed on behalf of accused Amit Ram.

Heard both sides.

Learned advocate for the accused Amit Ram submitted that this accused person has been implicated in this case falsely. The victim girl neither in her statement before the learned Magistrate nor before this Court stated anything against this accused. Accused is in custody for a considerable period. Vulnerable witness has already been examined. No bail petition is either pending or rejected before any higher forum. So, the accused may be granted bail on any condition.

Ld. Special P.P raised objection.

Learned advocate on behalf of defacto complainant is also present and filed an objection against the bail petition of accused Amit Ram and stated that this accused is involved in this case with other accused and this is a case of gang rape. So, the bail prayer of this accused should be rejected.

Perused the evidence adduced by the victim girl, statement of VG recorded u/s 164 of Cr.P.C before learned Magistrate.

It appears from materials on record that the name of this accused Amit Ram has not been transpired in the written complaint lodged by the sister of the defacto complainant. The victim girl in her statement before learned Magistrate no where stated the name of this accused. In the evidence also no where it has been stated by the victim that this accused was present along with other five accused persons. It appears that there is specific allegation against all the other five accused persons and the victim girl clearly and an elaborately stated about the part play of other five accused persons in this case. This is a case of gang rape and involvement of the five accused persons except this accused has been transpired from the evidence as well as from the statement of the victim girl. But regarding the presence of this accused the victim girl no where stated anything. Neither in the statement of the victim nor in her evidence she stated about the presence of the Amit Ram either in under constructed building or in the flat. It is not clear from the materials on record who was the owner of the said flat. So, considering the entire evidence of the victim as well as her

Contd....

Special ST – 12(01)2023

Contd....Order No.05 dated 03.03.2023

statement made before learned Magistrate and also considering the detention of the accused and considering that vulnerable witness has already been examined I am inclined to grant bail to this accused on condition that he will not enter into jurisdiction of Haridevpur P.S and will meet O.C, Haridevpur P.S once in fortnight till further order.

Accordingly, accused person namely **Amit Ram** 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 he will not enter into jurisdiction of Haridevpur P.S and will meet O.C, Haridevpur P.S once in fortnight till further order i.d to J.C.

If on bail to date i.e. 20.03.2023 for appearance of accused Amit Ram, production of custody accused and evidence of 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
South 24 Pgs