

Order No.11

Dt.28.01.2020

Accused Mirza Molla @ Gazi, Somnath Das, and Sakher Ali Laskar @ Raju are produced from J.C through V.C.S.

Accused Mamuda Sardar @ Mafuja Sardar and Anjura Begum is produced from J.C in person.

Accused Jiyaur Sardar on C/B are present by filing haziras.

Today is fixed for supply of copy.

No compliance report has been received in this regard.

Bail petition of accused Mamuda Sardar @ Mafuja Sardar and Somenath Das has been moved by his Ld. Advocate.

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

Ld. Lawyers of the accused Mamuda Sardar @ Mafuja Sardar and Somenath Das submits that accused Mamuda Sardar @ Mafuja Sardar has been falsely implicated in this case and there is no allegation under POCSO Act, against the accused and name of accused Somenath Das is not mentioned in the statement recorded u/s 161 and 164 of Cr.P.C and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prays for their bail.

Bail petition of accused Mirza Molla @ Gazi has been moved by his Ld. Advocate.

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

Ld. Lawyers of the accused Mirza Molla @ Gazi submits that this accused has been falsely implicated in this case and that name of this accused is not mentioned in the statement recorded u/s 164 of Cr.P.C and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prays for his bail.

Bail petition of accused Sakher Ali Laskar @ Raju has been moved by his Ld. Advocate.

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

Ld. Lawyers of the accused Sakher Ali Laskar @ Raju submits that this accused has been falsely implicated in this case and that this accused person has not been identified in T.I Parade and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prays for his bail.

Bail petition of accused Anjura Begum has been moved by his Ld. Advocate.

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

Ld. Lawyers of the accused Anjura Begum submits that this accused has been falsely implicated in this case and that no bail prayer is rejected or pending before the higher forum in connection with this case on any occasion. So he prays for his bail.

Ld. Special P.P raised strong objection by submitting that it is case of trafficking and all these accused persons are connected with the trafficking racket.

Heard all sides. Perused the application as well as materials on record. Considered.

On consideration of the same, I find that charge sheet has been submitted against the accused persons u/s 342/343/344/346/363/366A/368/370/370A/372/120B/109 I.P.C read with section 6/17 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7/9 of Immoral Traffic (Prevention) Act, 1956. Hence prima facie case has been made out against the accused persons. Considered the statement of victim girl recorded u/s 164 of Cr.P.C, statement u/s 161 of Cr.P.C along with other materials in record from which the names of these accused persons are reflected in several spheres. Considered the Medical Report also. Considering gravity of offence and materials in record, I am not inclined to allow bail prayer of these accused persons.

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Hence, the bail applications of the accused persons stands rejected.

At this stage, Ld. Advocate for accused Jiyaur Sardar and Sujoy Mondal has filed a petition praying for discharging these accused persons from this case.

Let it be kept with the record.

To 08.04.2020 for production and supply of copy.

D/c by me.

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

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