In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore

Special Case No.333/2022

CNR – WBSP01-019276-2022

Ref.: Patuli PS Case no: 272/2022 Dated : 20.12.2022

U/s 120B/366A/370/372/373 of I.P.C and section 17/21 of the Protection of Children from Sexual Offence Act, 2012 and section 3/4/5/6/7 of I.T (P) Act.

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

Order No.16
Dt.21.02.2023

Accused **Ruhul Amin, Subhasish Dey @ Tinku** and **Rajib Majumder, Archana Debnath @ Payel** and **Chandana Dhar @ Sona** are produced from J.C through VCS.

Three separate bail petitions filed on behalf of the accused persons on 16.02.2023 and 08.02.2023 respetively.

Bail Petition dated 08.02.2023 filed on behalf of accused Ruhul Ami.

Learned advocate for accused submits that Charge sheet has already been submitted. Further detention of this accused is not necessary and in the charg sheet the accused is shown as customer. So he may be granted bail on any condition.

Bail petition filed on behalf of accused Rajib Majumdar and Archana Debnath is taken up for hearing.

Learned advocate for accused submitted that the name of Archana Debnoath is nowhere stated in the statement recorded u/s 161 of Cr.P.C. However, charge sheet has already been submitted and further detention of this accused is not necessary. Learned advocate further submitted that in the charge sheet the accused Rajib Majumder is shown as customer. So the acccused persnos may be granted bail on any condition.

Bail petition filed on behalf of Chandana Dhar and Subhasih Dey @ Tinku is taken up for hearing.

Learned advocate for the above named accused submitted that charge sheet has already been submitted and further detention of this accused is not necessary. So the acccused persnos may be granted bail on any condition.

Learned Special P.P raises objection.

Heard both sides.

I have also perused the CD and and statement made by the victim girls who are minors. I find that all the accusd persons were involved in this case and this is a case of commercial sexual exploitation of the minor girl. It is true that Rajib Majumder and Ruhul Amin are shown as customers but the victim girls are minor withwhom they involved in sex and so section 4/6 of the POCSO Act, 2012 are well attracted against them. Accused Archana Debnath,

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Chandana Dhar and Subhasis Dey were running the brothel where the minor girls were sexually exploited. In the statement of the victim girls they have clearly mentioned the name of these three accused persons who called them in the separate places for their sexual exploitation. As Rajib Majumder and Ruhul Amin were the customer quiet naturally the victim girl could not mention their names. So, considering the materials in CD, nature of allegation, medical examination report of the minor victim girl I am not inclined to grant bail to any of the accused persons the name above without examination of the victim girl. Accordingly the bail petitions of the accused persons namely Ruhul Amin, Subhasish Dey @ Tinku and Rajib Majumder, Archana Debnath @ Payel and Chandana Dhar @ Sona stands rejected.

At this stage I.O has made prayer for supplying copy of T.I Parade of accused Ruhul Amin @ Ruhul.

T.I Parade report has not yet been received.

Supply a copy of the T.I Parade report to the I.O as and when the same is received.

It apppears from the record that IO was directed by order dated 17.02.2023 to supply the copy of the charge sheet to the accused persons.

So, fixing 13.03.2023 for consideration of charge and production of accused.

D/c by me.

Sd/-Manas Ranjan Sanyal
Judge, Special Court &
2nd A.S.J., Alipore.

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