

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

Special ST – 09(03)2023

Special Case No.333/2022

CNR No. WBS01-019276-2022

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

07
15.05.2023

Accused persons namely **Archana Debnath @ Payel Ghosh** and **Chandana Dhar @ Sona**, are produced from J.C through V.C.S.

Accused **Subhasish Dey @ Tinku**, **Rajib Majumder** and **Ruhul Amin** on C/B are present by filing hazira.

Today is fixed for evidence of victim girl-3.

Learned Special P.P-in-Charge is present with the victim girl-3.

Learned Defence Counsels are also present.

Victim girl No.3 is examined-in-chief by prosecution in full as PW-3. Statement of victim girl-3 recorded u/s 164 of Cr.P.C is marked as Ext.P-3 (whole document). She is also cross examined by Defence in full and then discharged.

At this stage two separated bail application have been filed on behalf of Archana Debnath @ Payel Ghosh and Chandana Dhar @ Sona.

Heard both sides.

Learned advocate on behalf of accused persons submitted that they are in custody for a considerable period. Vulnerable witnesses have already been examined. So, the accused may be enlarged on bail imposing any terms and conditions.

Learned Special P.P-in-Charge raised objection.

Learned advocate for the defacto complainant also raised objection.

Perused the materials on record and evidence of the victim girls.

Considering the evidence adduced by three victim girls I find

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that the main allegation is against accused Chandana Dhar and some vital witness are yet to be examined. So, at this stage I am not inclined to grant bail to the accused Chandana Dhar. ***Accordingly bail petition of accused Chandana Dhar is rejected.***

Considering the evidence adduced against accused Archana Debnath @ Payel and also considering her detention I am inclined to grant on condition that she will meet with the I.O once in a fortnight till further order.

Accordingly, accused person namely **Archana Debnath @ Payel Ghosh** shall be released on bail of Rs. 3,000/- (rupees three thousand only) each with two surety of Rs.1500/- (rupees one thousand five hundred only) each subject to satisfaction of learned C.J.M Alipore with condition that she will meet with the I.O once in a fortnight till further order i.d to J.C.

Fixing **30.06.2023** for evidence of CSW-3

01.07.2023 for evidence of CSW-8.

I.O is directed to produced the witnesses on the date fixed positively.

At this stage learned Special P.P-in-Charge files a petition praying for allowing adequate interim compensation to the victim girls payable from the Victim Compensation Fund.

Heard both sides. Perused the petition.

It appears from the record that the accused persons of this case trafficked the victim girls, abetted in commission of rape upon the victim girl and forcefully committed rape / aggravated penetrative sexual assault on VG. The victim girls have already been examined as PW-1, PW-2 and PW-3 in this case. Considering the testimony of victim girls and other facts and circumstances of this case and the future needs of the victim girls I think that they needs some interim monetary compensation for their rehabilitation, studies as well as repatriation in mainstream of the society. Contd...Page-3

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In view of order passed by the Hon'ble Supreme Court of India in **Nipun Saxena Vs Union of India** and the direction of the **Hon'ble High Court, Calcutta in Bijoy @ Guddu Das Vs The State of West Bengal** and also in view of provision contained under **Clause 9 & 12 of NALSA's Compensation Scheme for Women Victims / Survivors of Sexual Assault/ Other Crimes, 2018** it is hereby directed that an amount of **Rs.1,00,000/- (Rupees one lakhs only)** each shall be paid to three victim girls from the Women Victim Compensation Fund / Victim Compensation Fund of the Government of West Bengal as interim relief for their rehabilitation and maintenance.

The Secretary, District Legal Services Authority, Alipore shall take necessary steps for payment of interim compensation to the three victim girls from the Women Victim Compensation Fund / Victim Compensation Fund of the Government of West Bengal at earliest.

Let a copy of this order be sent to the Secretary, District Legal Services Authority, Alipore by name in a closed envelope with name and address of the victim girls for payment of interim compensation and necessary compliance.

To dates for appearance of accused Archana Debnath @ Payel, Subhasish Dey @ Tinku, and Rajib Majumder, production of custody accused Chandana Dhar and evidence.

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