

In the Court of Judge, Special Court & 2nd Addl. Sessions Judge, Alipore
Special ST - 09(03)23
Special Case No. 333/2022
CNR-WBSPO1-019276-2022

Present :Sudipta Bhattacharjee (JO Code - WB00794)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

Order No. 21
Dt. 04-03-2024

The accused person namely Chandana Dhar alias Sona is produced before this Court through VCS.

The accused persons namely Subhasish Dey, Ruhul Amin and Rajib Majumder, on CB, are present by filing hazira.

The defacto complainant Inspector Sasthidhar Barman is examined in part. During evidence, the written complaint, the letter seeking permission of AC, AHTU, DD, Lalbazar for conducting raid, the letter seeking permission of AC, AHTU, DD, Lalbazar for engaging Decoy customers and the letter seeking permission for police assistance from Jadavpur P.S. are marked as exhibits – P-4 (whole document containing four pages), P-5 (whole document) with objection, P-6 (whole document) and P-7 respectively.

At this stage the bail petition is filed on behalf of the accused person namely Chandana Dhar alias Sona is taken up for hearing.

Ld. Advocate for the accused person submitted that the accused is in custody for a long time and this accused is in the same footing with the co-accused persons, who had already been enlarged on bail. Thus, he prayed for bail of the accused person.

Ld. Special P.P. raised objection against the prayer for bail.

The defacto complainant is present.

The ld. Advocate for the victim raised objection submitting that the accused Chandana Dhar alias Sona is the main trafficker and she resides near the house of the victim.

Heard both sides.

Perused the materials in the case record and the CD.

Considered.

This a case under sections 120B/366A/370A/372/373 of IPC, sections 4/6/17/21 of POCSOAct and sections 3/4/5/5/6/7 of I.T (P) Act. It appears from the case record that all other accused persons are on bail. It also appears from the record that the accused Ruhul Amin was enlarged on bail vide order dated 24-03-2024 and accused persons namely Subhasish Dey alias Tinku ,

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Archana Debnath alias Payel Ghosh and Rajib Majumder were enlarged on bail vide order dated 13-04-2023. It appears from the case record that one accused namely Archana Debnath alias Payel Ghosh died on 23-05-2023 and the case in respect of this accused was filed for ever on 31-05-2023. It further appears that all the three victims have been examined. There is hardly any scope of completion of trial within a short period of time. The accused is in custody for a considerable period of time.

Considering all these, I am inclined to enlarge the accused on bail. Accordingly, the accused Chandana Dhar alias Sona may find a bail of Rs. 5,000/- (Five Thousand only) with two sureties of Rs. 2,500/- (Rupees Two Thousand Five Hundred only), one of whom must be a local surety each subject to satisfaction of the Id. CJM, Alipore on condition that the accused shall not enter into the jurisdiction of Barasat P.S. where the victim resides till further order and shall attend the Court on each and every date i.d to J/C till 18-03-2024. The O/C of Barasat P.S. is at liberty to arrest the accused if the accused violates the condition, as imposed in granting bail without any further reference to this Court.

At this stage the case record is taken up for hearing of the petition in respect of return of key of the flat in-question.

Ld. Lawyer for the flat owner submitted that after the raid, the flat was under lock and key. She requires the flat for her usage. Thus, she prayed for return of the key of the flat.

Initially, the I.O. submitted a report. As it was not satisfactory, the court called for comprehensive report from the I.O. as regard return of the key of the flat in -question.

Today the I.O. has submitted a comprehensive report.

Let it be kept with the case record.

The Id. Special P.P. submitted that the flat in-question is the place of occurrence. There are lot of belongings and valuable articles including gold like ornaments kept in the said flat. The tenant of the said flat namely Archana Debnath alilas Payel Ghosh had already expired on 23-05-2023. Ld. Special P.P. pointed out that there may be a chance of inspection of the flat during trial.

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Thus, she raised objection against return of the key of the flat in question at this stage.

The I.O. raised objection against the prayer for handing over the key to the petitioner on the grounds stated therein.

It also appears from the report that Shilpi Karmakar is the owner of the said place of occurrence and Archana Debnath alias Payel Ghosh was a tenant who expired during trial on 23-05-2023. The I.O. made inventory and prepared a list and submitted a report on 01-08-2023. There are immovable properties lying in the said flat. She also raised objection against the prayer.

Perused the materials in the case record along with the report of the I.O.

Considered.

This is a case of trafficking. It appears that a raid was conducted in the said flat. It is alleged that the minor girls were engaged in sex racket in the said premises. During raid, the minor girls were found inside the flat. It has not been decided in trial whether the flat owner Shilpi Karmakar had any role to play in the commission of the crime. Besides these, further inspection of the said flat cannot be ruled out at this stage when the trial is going on. The tenant Archana Debnath alias Payel Ghosh died during trial of the case. No one has come forward before the police to satisfy who is the legal heir of said Archana Debnath alias Payel Ghosh over the said tenanted premises and the ownership of the articles and belongings, kept in the said flat. In such circumstances, I am not inclined to hand over the key of the premises to any person till disposal of the case.

Thus, the prayer for returning the key is considered and rejected.

If on bail to 04-06-2024 for appearance of the accused Chandana Dhar alias Sona.

To date (04-06-2024) for appearance of the accused persons and further evidence of the defacto complainant.

Prosecution is directed to produce the witnesses on the next date fixed and to proceed the trial of the case as expeditiously as possible.

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Let a copy of this order be sent to the I.O. of this case as well as to the O/C, Barasat P.S. for information.

D/c by me.

Sd/-

Judge, Special Court &
2nd A.S.J., Alipore

Sd/-

Judge, Special Court &
2nd A.S.J., Alipore.