

Special ST - 08(12) 16
Special Case No.183/16
CNR : WBSP01-020216-2016

Present : Umesh Singh (WB00783)
Judge, Special Court & 2nd A.S.J.,
Alipore, South 24-Parganas.

Order No.48
Dt.23.02.2021

Accused Samim Hassan Molla @ Babu and Md. Aslam @ Jabbar are produced from J.C through V.C.S.

Today is fixed for evidence.

S/R of witnesses received and kept in C/R.

Learned Special P.P is present.

No witness is present today.

A bail petition has been filed on behalf of accused Md. Aslam @ Jabbar.

Heard both sides.

Learned lawyer for accused Md. Aslam @ Jabbar moves his bail prayer and submits that this accused is in custody since long. Out of 19 witnesses, evidence of 12 witnesses have been recorded till 05.12.2019 and no other witness has been deposed till that date. Charge has been framed. This Court has jurisdiction to try this accused. No bail application is pending or rejected before the higher forum. Considering his long detention, this accused person may be released on bail imposing any terms and conditions.

Learned Special P.P raises objection.

Perused the materials on record.

On perusal of the same, I find that charge has been framed against this accused person u/s 366A/325/370/370A/373/368/120B/506(II)/376(2)(i) of I.P.C & section 6 & 6 / 17 POCSO Act, 2012. Twelve witnesses have already been examined in this case. Considering the gravity of offence and materials on record, I am not inclined to release this accused on bail. Hence, bail petition of accused Md. Aslam @ Jabbar stands rejected.

Received a prayer from the Superintendent, Baruiapur Central Correctional Home, Baruiapur along with photocopy of order passed by learned Additional Chief Judicial Magistrate(Railway), Allahabad, Uttar Pradesh regarding the production of accused, Aslam @ Jabbar @ Jabbar Ali before the said Court on 10.03.2021 in connection with G.R P.S Case No. 172/16.

Heard learned Special P.P.

The Superintendent of Baruiapur Central Correctional Home is permitted to produce the accused Aslam @ Jabbar @ Jabbar Ali before learned Additional Chief Judicial Magistrate (Railway), Allahabad, Uttar Pradesh on 10.03.2021 and to ensure the production of the said accused before this Court on the next date and on all subsequent dates so that the trial of this case should not be hindered in any manner.

Let a copy of this order be sent to the Superintendent, Baruiapur Central Correctional Home for information and necessary action.

To 19.04.2021 for production of both the accused persons before this Court and evidence of prosecution's witnesses.

Prosecution is directed to produce it's witness on the date fixed.

D/C by me
Sd/-Umesh Singh
A.S.J 2nd Court, Alipore
South 24 Pgs

Sd/-Umesh Singh
Addl. Session Judge
2nd Court Alipore
South 24 Pgs