

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

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

Order No.59

Dt.23.03.2022

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

Today is fixed for evidence.

No witness is present today.

Two separate bail petition have been filed on behalf of accused Shamim Hassan Molla @ Babu and Md. Aslam @ Jabbar.

Heard both sides.

Learned advocate for accused Shamim Hassan Molla @ Babu submitted that he is in custody for a considerable period. Out of total 19 witnesses 12 witnesses have been examined. During investigation one Saharun Molla the complainant of this case statement u/s 164 of Cr.P.C where the name this accused has not been transpired. The accused is totally granted. So he may be granted bail on any condition.

Learned advocate for accused Md. Aslam @ Jabbar submitted that he is in custody for more than 05 year and 11 months. Moreover, for the same offence another case has been started at Delhi where the victim is stated to be major. The allegation against this accused is that he raped the victim girl but the offence committed at Delhi and this Court has no contradiction. So the accused may be granted bail on any condition.

Learned Special P.P-in-Charge raised vehement objection by submitting that this is a case of child trafficking. The victim has been kidnapped from Diamond Harbour and he was taken to Delhi. Charge has been framed u/s 366A, 325, 370, 370A, 372, 373, 368, 506(II), 376(2)(i), 366A/120B, 370/120B, 372/120B of I.P.C and section 6 and 6/17 of the POCSO Act. So there is clear criminal conspiracy between these two accused. Most of the witnesses have been examined. So at this stage bail prayer should not be granted.

Perused the CD and other materials on record.

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I find that this is a case of child trafficking. The offence allegedly committed in the year 2014/2015 and as per admit card at that time the victim was minor. It is immaterial what the victim girl has stated in her statement before police or Magistrate regarding her age specially when there is specific proof of age in the CD. Moreover the victim was kidnapped from Diamond Harbour which is under jurisdiction of this Court and after that other offences committed continuously. Moreover charge has been framed u/s 120B of I.P.C so prima facie there is criminal conspiracy between the accused persons. I have also gone through evidences adduced by the prosecution witness. So considering the materials in CD as well as on record and also considering gravity of offence I am not inclined to grant bail to these accused persons.

Fix 08.06.2022, 09.06.2022 and 10.06.2022 for production of both the accused persons before this Court and evidence.

Record need not to be put on 24.03.2022.

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

Dictated & Corrected

by me

Sd/- Manas Ranjan Sanyal

Addl. District Judge

2nd Court Alipore

Sd/- Manas Ranjan Sanyal

Additional District Judge

2nd Court Alipore