

04.08.2021

Court No.28
Item No.7
(REJECTED)

Saswata

CRM 1357 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 27.01.2021 in connection with Shyampur Police Station Case No. 50 of 2020 dated 11.02.2020 under Section 376 (AB) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Sk. Sakir Ali @ Sk. Jiksarul Ali**
...Petitioner.

Mr. Anindya Ghosh

...For the Petitioner

Ms. Zareen N. Khan

Mr. Bitasok Banerjee

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur Police Station Case No. 50 of 2020 under Section 376 (AB) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

The *de facto* complainant being the mother of the victim, lodged a complaint to the effect that on 8th February 2020, the accused took her minor daughter for playing and subsequently, she was violated. On 31st march 2020, the charge-sheet was submitted.

Learned Advocate for the accused prays for bail on the ground of belated F.I.R. filed on 11th February 2020. Secondly, the victim was admitted to the hospital on 10th February 2020 and thirdly, the ossification test report says that the victim was above 17 years of age.

Learned Advocate for the State has raised serious objection against the prayer for bail.

It appears from the materials on case diary that the date of birth of the petitioner is in the year 2001. So he is a major.

Considering the allegation that he ravished the minor girl in a forcible manner, which is also corroborated by the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, we do not think that this is fit case where the petitioner should be enlarged on bail.

The application for bail is, thus, considered and ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)