

16.11.2021

**CRM 5177 of 2021**

Court No.28  
Item No.68  
(Rejected)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Spl T R Case No. 82 of 2020 arising out of Jagacha Police Station Case No. 183 of 2020 dated 16.09.2020 under Section 376 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Aman Sekh @ Sk Aman Ali**  
**...Petitioner.**

**Mr. Md. Basha Mir.**

**...For the Petitioner.**

**Ms. Faria Hossain,**  
**Ms. Sonali Das.**

**...For the State.**

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with SPL T R Case No. 82 of 2020 arising out of Jagacha Police Station Case No. 183 of 2020 under Section 376 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act.

Learned Advocate for the petitioner submits that the petitioner is in custody for more than one year and two months. It is further submitted that he has been falsely implicated in connection with the aforementioned case.

Learned Advocate for the State opposes the prayer for bail. It is submitted that the minor victim girl had vividly narrated the incident happened on the said date in her statement recorded under Section 164 of the Code of Criminal Procedure disclosing the conduct of the petitioner attributable to the commission of offence.

After hearing the respective submissions of the parties and on perusal of the materials available in the case diary including the statement of the minor victim girl, who is aged about 13 years, recorded under Section 164 of the Code of Criminal Procedure, the role of the petitioner in the commission of offence cannot be ruled out at this stage. Furthermore, the

charge sheet has been submitted, but the charges have not been framed.

Accordingly, the prayer for bail is rejected at this stage.

The application for bail being **CRM 5177 of 2021** is thus **dismissed**.

However, we request the learned Special Judge under the Protection of Children from Sexual Offences Act to expedite the trial of the case.

**(Harish Tandon, J)**

**(Rabindranath Samanta, J.)**