

17.06.2022
SL No.53
Saswata
Ct.28
(Rejected)

CRM (DB) 1827 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Harishchandrapur** P.S. Case No. **247/2022** dated **02.04.2022** under Sections **342/363/365/376D/324/34** of the **Indian Penal Code** read with **Section 6** of **POCSO Act, 2016** read with **Sections 75/77** of the **Juvenile Justice (Care and Protection of Children) Act, 2015**.

And

In the matter of: **Ejaj Hosen @ Ajaz Ali @ Ajaz Hossain**

....Petitioner

Mr. Soupal Chatterjee

Mr. Prasenjit Sarkar

...for the Petitioner

Ms. Anusuya Sinha

Ms. Jonaki Saha

...for the State.

Petitioner is in custody for 77 days. It is contended he was not named by the victim in her statement recorded under Section 164 of the Cr.P.C.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. The case involves gang rape of the victim girl. Petitioner is named in the FIR. Statement of a victim of sex offence has to be assessed with due sensitivity keeping in mind the agony of secondary victimization. Reading the statement of the victim girl in the FIR as well as her subsequent statement from such perspective, we are of the prima facie view petitioner was one of the persons who ravished the victim.

In view of the aforesaid incriminating materials and gravity of the offence, we are not inclined to grant bail to the petitioner.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

