

31.01.2022
Court No.32
Item No. 44
Avijit Mitra

C.R.M. 8583 of 2021 (Through video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re : Ajijul Rahaman @ Aijul Box

Petitioner

Mr. Susnigdha Bhattacharya

..For the Petitioner

Ms. Zareen N. Khan,
Md. Kutubuddin

...For the State

The present application for bail has been preferred in connection with Ashokenagar Police Station Case No. 725 of 2021 dated 24.09.2021 under Sections 376(3) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that there was a love-relationship between the petitioner and the victim girl. Upon completion of investigation chargesheet has already been submitted and as such further detention of the petitioner, who is in custody for about 130 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Kutubddin, learned advocate appearing for the State opposes the petitioner's prayer and submits that the victim girl was about 14 years old on the date of the alleged incident. There are strong incriminating materials on record against the

petitioner. In support of such contention he has drawn our attention to the statement of the victim girl as recorded under Section 164 of the Code and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, we find incriminating materials against the petitioner. Considering the seriousness of the alleged offence, its ramification and the extent of complicity of the petitioner, we are not inclined to exercise any discretion in his favour. As such, his prayer for bail is refused, at this stage.

Accordingly, the application for bail, being CRM No. 8583 of 2021 is dismissed.

However, the learned Court below is directed to consider the charges on the next date and to expedite the trial if charges are framed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)