

03.11.2022.
37.
Ct.No.28
as
(Rejected)

C.R.M. (DB) 3238 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shyampur P.S. Case No.327 of 2020 dated 30.10.2020 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/376(2)(n)/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Sk. Tamjed Ali.

... Petitioner.

Mr. Habbibur Rahaman,
Mr. Sumit Naskar.

...for the Petitioner.

Ms. Faria Hossain,
Mr. Anand Keshari.

...for the State.

Petitioner is in custody for over two years. It is submitted on behalf of the petitioner there was an illicit relationship between the parties and the victim girl cohabited out of her own will.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Initially the victim stated she had cohabited with the petitioner out of her own volition. Subsequently, in her statement before Magistrate she stated she was forcibly raped. Petitioner is a married person and the victim is a minor. The aforesaid circumstances do not give rise to an inference of consensual teenage romance.

Under such circumstances, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

Trial court is directed to forthwith consider the issue of framing of charge on the next date fixed before it and in the event if it is unable to do so, positively within a fortnight thereof and conclude the trial as expeditiously as possible keeping in mind the mandate under Section 35(2) of the POCSO Act.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)