

30.01.2025
Item no.22.
Court No.29.
S. De
(Rejected)

CRM (DB) No. 3874 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

And

**In the matter of : Rabiya Sk. @ Rabiya Sekh.
.....Petitioner.**

Mr. Omar Faruk Gazi,
Ms. Ayasha Najrin,for the Petitioner.

Md. Zubair Alam,
Mr. Aslam Parvej,for the State

Mr. Sibangi Chattopadhyay,
...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed by the petitioner be kept with the records.
2. The victim girl, 13 years of age at the time of the alleged incident, squarely implicates this petitioner in her statement recording under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023). She described how the petitioner forcibly pinned her down and ravished her. The medical report, prima facie, supports the prosecution case.
3. The petitioner says that he is in custody for 179 days. Considering his age, bail should be granted.

4. Learned advocate for the State and the de facto complainant strongly oppose the prayer for bail.
5. The victim girl has not yet been examined. There is sufficient prima facie incriminating material against the petitioner. We are not inclined to allow the petitioner's prayer for bail, at this stage.
6. CRM (DB) 3874 of 2024 is dismissed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)