

Present:
Mr. Justice Zafar Ahmed
And
Mr. Justice Khandaker Diliruzzaman

Criminal Appeal No. 10424 of 2023

Md. Sagor
...Accused- appellant
-Versus-
The State
...Respondent

Mr. Md. Monirul Islam Miah, with
Mr. Muhammad Ullah, Advocates
...For the appellant
Mr. Md. Sarwar Hossain Bappi, DAG with
Ms. Moududa Begum (Fancy),
Mr. Mohammad Selim and
Mr. Mirza Mohammed Soyeb Muhit, AAGs
.....For the State

Heard and Judgment on: 22.02.2024

Zafar Ahmed, J.

This appeal under Section 41 of the Shishu Ain, 2013 is directed against the order dated 10.09.2023 passed by the Judge, Shishu Adalat-02, Chattogram in Pahartoli Police Station Case No. 06 dated 08.04.2023 corresponding to G.R. No. 136 of 2023 under Sections 7 and 9(1) of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (as amended 2003), now

pending in the Court of Chief Metropolitan Magistrate, Chattogram rejecting the prayer for bail of the appellant Md. Shourov Sarker Shuvo alias Akramul Haque Shuvo.

We have heard the learned Advocate of the appellant, and the learned Deputy Attorney General.

The learned Deputy Attorney General opposes the prayer for bail.

It is stated in the FIR lodged by the mother of the victim girl (7 years old) that the mother found the accused appellant (13 years old) to have been committing rape upon the victim on 08.04.2023. However, the appellant managed to flee away. The victim girl made a statement before the learned Metropolitan Magistrate on 10.04.2023 supporting the statements made in the FIR. The victim was examined by the doctor on 09.04.2023. The appellant was arrested on 09.04.2023. Considering the age and the period of custody of the appellant, we are inclined to enlarge him on bail.

In the result, the appeal is allowed.

The accused appellant, namely **Md. Sagor, son of Md. Liton** be enlarged on bail on furnishing bail bond to the

satisfaction of the Court of Chief Metropolitan Magistrate,
Chattogram.

However, the Court below is at liberty to cancel the bail
if the accused-appellant misuse the privilege of the same.

Office is directed to send a copy of this judgment and
order to the concerned Court below immediately.

Khandaker Diliruzzaman, J.

I agree.

Mazhar/BO