



**The Chamber Judge Court stayed the Judgment in Suo Moto Rule on alleged rape complaint against Bakergonj 04 Children Case for four weeks**

Today on 20<sup>th</sup> June 2021, the Hon'ble chamber judge court comprising Mr. Justice Obaidul Hassan of the Appellate Division of Supreme Court of Bangladesh stayed the application seeking a stay on the earlier judgment of the High Court Division dated 13 June 2021, which held liable the seven police officers along with officer-in-charge of Bakergonj police station, the concerned social Welfare Officer and senior Judicial Magistrate Mr. Md. Enayetullah for the unlawful arrest of four children (Suo moto Rule 16 of 2020). The earlier judgment was given by a Division Bench of the Hon'ble High Court Division comprising Mr. Justice Muzibur Rahman Mia and Mr. Justice Mr. Justice Muhiuddin Shami, whereby following directions were also issued:

- a. The arrest and the police custody of the four children declared as illegal
- b. The rape case against the four children declared as invalid and hereby, cancelled.
- c. Directed the police administration to take departmental steps against officer-in-charge of Bakergonj police station, investigating officer of the case and Children Assistant Police Officer (CAPO) of Bakergonj police station and also directed to keep them in temporary suspension during the time of departmental proceedings
- d. Directed the social welfare administration to take departmental steps against the concerned social welfare officer
- e. Directed to ascertain the four police constable enquiring the video footage who have taken the four children through prison van and take departmental steps against the four police constable and also directed to keep them in temporary suspension during the time of departmental proceeding.

**Background:** On 8<sup>th</sup> October, 2020 a private television station, Shomoy TV, reported that the father of a seven year old girl in Bakergonj had lodged an FIR on 06<sup>th</sup> October 2020 alleging that she was raped by four boy aged between nine and ten on 4<sup>th</sup> October 2020. The police arrested the four boys, who were then detained in the Jessore Children Development Centre following rejection of their bail prayers by Senior Judicial Magistrate, Barishal.

The incident went viral on social media. a High Court Division Bench comprising Mr. Justice Md. Mozibur Rahman Miah and Mr. Justice Mohi Uddin Shamim) issued a *Suo Moto* order around 10:00 pm on 8<sup>th</sup> October and directed the Nari O Shishu Nirjaton Doman Tribunal of Barishal to instantly grant bail to four children. Afterwards, within 9<sup>th</sup> October, 2020 the four children were released on bail under the custody of their own family.

The Respondents of this Suo Moto Rule were (1) Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka, (2) Secretary, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh Secretariat, Dhaka, (3) Secretary, Ministry of Public Administration, Bangladesh Secretariat, Dhaka, (4) Secretary, Ministry of Social Welfare, Bangladesh Secretariat, Dhaka, (5) Children Court (Nari-O-Shishu Nirjatan Daman Tribunal, designated as District Judge, Barishal), (6) Deputy Commissioner, Barishal, (7) Deputy Commissioner, Jashore, (8) Senior Judicial Magistrate, Cognizance Court, Bakergonj, Barishal, (9) District Social Welfare Officer, Barishal, (10) District Social Welfare Officer, Jashore, (11) Probation Officer, Office of the District Social Welfare, Barishal, (12) Superintendent, Children Development Centre, Pulerhat Police Station, Kotwali, Jashore and (13) Officer-in-Charge and (14) Child Assistant Police Officer (CAPO), both Bakergonj Police Station, Barishal.

On 18<sup>th</sup> November, 2020 an application was filed by BLAST and CCB Foundation to intervene in the Rule to assist the Hon'ble Court with facts and circumstances material for the interest of. On 9<sup>th</sup> December 2020, a Divisional Bench comprising Mr. Justice Md. Mozibur Rahman Miah and Mr. Justice Mohi Uddin Shamim allowed the application.



# বাংলাদেশ লিগ্যাল এইড এন্ড সার্ভিসেস ট্রাস্ট (ব্লাস্ট) Bangladesh Legal Aid and Services Trust (BLAST)

Barrister Md. Abdul Halim with Adv. S. M. Rezaul Karim, Barrister Sharmin Akter and Adv. Jamiul Haque appeared on behalf of BLAST and CCB Foundation.

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