

GAHC010100602023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./1666/2023

AFAJ UDDIN
S/O GIYAS ALI
R/O VILL- TAPABORI (KHALEKMARA)
P.S. HAJO
DIST. KAMRUP, ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B U LASKAR

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-05-2023

Heard Mr.B.U.Laskar, learned counsel for the petitioner and Mr. B. Sarma, learned Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 CrPC, the petitioner, namely, **Afaj Uddin**, is seeking bail in connection with Hajo Police Station Case No. 243/2023 registered under Sections 365/328/376D/395 IPC corresponding to G.R. Case No. 294/2023 in which he was arrested on 06.04.2023 and since then he is in custody.

The victim on 04.04.2023 lodged an FIR before the Officer-in-Charge of Ramdia Police Out-Post under the jurisdiction of Hajo Police Station stating that in the afternoon of 01.04.2023 while she was waiting for transport vehicle to go to her paternal house at Dhemaji, the accused, Altaf Ali came near

to her with a four wheeler vehicle compelling her to sit in it and forced her to drink water mixed with some intoxicated drugs and took her to an unknown place and when she regained to her senses, she found that the FIR named accused persons, namely, Altaf Ali, Moidul Ali, Iman Ali and five other accused persons assaulted her, committed gang rape on her and left her alone in the Char area on the side of a river, removing her all clothes and taking away all her belongings including cash amounting to Rs.30,000/- etc. along with ATM card and mobile phone from her. After regaining some strength, she somehow managed to reach a house near the place of occurrence wherein an old person gave her some clothes to wear and shelter for two days.

On identifying one of the rapists involved in the said crime, on being informed, local people apprehended him and handed over him to police. Accordingly, police of Ramdia Out-Post entered G.D.Entry No. 64 on 04.04.2023 and forwarded it to the Hajo Police Station, wherein it was registered as Hajo Police Station Case No. 243/2023 under Sections 365/328/376D/395 IPC.

Perused the case diary placed before the Court by Mr. Sarma, learned Additional Public Prosecutor, Assam.

Perused the statement of the victim that was recorded under Section 164 CrPc by the learned Judicial Magistrate First Class, Hajo and the statements of the other witnesses that were recorded under Section 161 CrPC by the concerned Investigating Officer of the case.

Matter relates to gang rape of a woman in an isolated Char area on the night of 01.04.2023.

Considering the statement of the victim recorded under Section 164 CrPC and the gravity of offence involved in the case, the Court is of the view that it is not a fit case to grant bail to the petitioner in said Hajo P.S. Case No. 243/2023 though he is in custody in the said case since 06.04.2023.

Accordingly, this bail application of the petitioner stands rejected.

Return the case diary.

JUDGE

Comparing Assistant