

GAHC010000992024



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

Case No. : AB/23/2024

ALI UDDIN @ OLI UDDIN
S/O- JOSIM ALI,
R/O- VILLAGE KALICHAR,
P.S- SHYAMPUR, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR M AHMED

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

30.01.2024

Heard Mr. M. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for seeking pre-arrest bail to the accused/petitioner, namely, **Ali Uddin, @ Oli Uddin**, who is apprehending arrest in connection with **Kharupetia P.S. Case No. 222/2023** under Sections **366/376** of the Indian Penal Code, 1860.
3. The case of the prosecution in brief is that on 26.11.2023 at about 2.00 P.M. while the victim/informant was proceeding towards Dalgaon from her home, the accused/petitioner picked her up in his motorcycle by saying that he will drop her in Kharupetia Chariali. Accordingly, she went with him and when she felt thirsty, the accused/petitioner gave her water, where he mixed some intoxicating substance and for which she became senseless.
4. It is further alleged that taking advantage, the accused person committed rape upon her on several occasions inside the vehicle. After which she became wholly senseless. Accordingly, a case has been registered.
5. The case diary as called for is placed before this Court.
6. Mr. M. Ahmed, learned counsel for the petitioner submits that the accused/petitioner is wholly innocent and has not committed the offence alleged. He further submits that the victim/informant whose husband has deserted her had developed intimacy towards accused/petitioner and since the accused/petitioner refused to marry her, the instant FIR has been filed against him.
7. Mr. Das, learned Addl. P.P. submits that on the basis of the case diary, the informant/victim narrated the event as stated in the FIR in her statements both under section 161 Cr.P.C as well as 164 Cr.P.C.
8. I have perused the same and at this stage which prima facie inspire

confidence upon this Court. The case is of serious and grave nature. It is imperative to unearth the truth. Investigation is at a crucial stage. Keeping this in mind, this Court is not inclined to grant anticipatory bail to the petitioner at this stage.

9. Accordingly, this anticipatory bail application stands rejected.

Send back the case diary.

JUDGE

Comparing Assistant