

GAHC010001682024



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

Case No. : Bail Appln./61/2024

SEKENDAR ALI
S/O LATE NUR HUSSAIN BEPARI
R/O VILL- KUCHNIMARA, P.S. MANKACHAR,
DIST. SOUTH SALMARA MANKACHAR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. M AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

09.04.2024

Heard Mr. M Ahmed, learned counsel for the petitioner as well as Mr. B. Sarma, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 CrPC by the petitioner, namely, Sekender Ali, for releasing him on bail in connection with Sessions Case No. 139/2023 arising out of Mankachar P.S. Case No. 745/2020, pending in the court of the learned

Chief Judicial Magistrate, South Salmara, Mankachar.

It is alleged that the petitioner along with one person named Abu Kashem had committed rape upon a deaf and dumb girl on 19.10.2020.

The case has already been chargesheeted under Sections 376/506 of the Indian Penal Code.

It has been submitted at the bar that the statement of the victim girl could not be recorded under Section 164 CrPC because of non-availability of Interpreter.

The learned counsel for the petitioner has submitted that the petitioner has already spent more than 300 days in judicial custody and his period of detention should be taken as a ground for releasing him on bail.

The petitioner has committed gang rape upon a deaf and dumb girl. There is no denial on the part of the petitioner about the veracity of the aforesaid fact. Therefore, the bail prayer of the petitioner is not found to be satisfactory and hence, the same is rejected.

The bail application is disposed of.

JUDGE

Comparing Assistant