

GAHC010002442024



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

Case No. : AB/51/2024

SAHJAHAN BADSAH @ RAJU
S/O SOFIR UDDIN
R/O TELIA BEBEJIA,
P.S. JURIA
DIST. NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A GANGULY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

02.02.2024

Heard Mr. A. Ganguly, learned counsel for the petitioner. Also heard Ms. N. Das, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 438 of Cr.P.C. for granting anticipatory bail

to the accused / petitioner namely, Sahjahan Badsah @ Raju who is apprehending arrest in connection with Juria P.S. Case No. 308/2023 registered under Section 376 of the IPC.

The allegations made in the F.I.R is that the accused / petitioner has been forcing the informant to send obscene photo and had also forcefully obtained photos and videos from the informant. It is further alleged that the accused / petitioner has forcefully committed the offence of rape.

Mr. Ganguly, the learned counsel for the petitioner submits that the allegations are absolutely false and the petitioner / accused is not connected with the offence alleged and he further submits that no medical examination was conducted on the informant.

Ms. N. Das, learned Addl. Public Prosecutor, Assam on the other hand strongly opposes the prayer for grant of pre-arrest bail. She submits on the basis of the materials available on the Case Diary that there are sufficient materials available on record incriminating the petitioner / accused.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears from the statement made by the informant both in 161 and 164 of the Cr.P.C. that she fully corroborates the allegation made in the FIR and has specifically stated in such statements that the accused / petitioner has committed the act of rape forcefully and has also forcefully obtained obscene video and photo from her by threatening her. The aforesaid allegations further appears to have been corroborated by independent witnesses in their statement recorded under Section 161 of the Cr.P.C.

Considering the nature of the allegations and that the investigation is at an active stage, this Court is not inclined to grant anticipatory bail to the petitioner / accused at this stage.

Accordingly the prayer of anticipatory bail stands rejected.

This disposes of the anticipatory bail application.

JUDGE

Comparing Assistant