

GAHC010019232024



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

Case No. : AB/246/2024

TAIZ UDDIN
S/O- LATE KHURSHED ALI, RESIDENT OF VILLAGE- SHARIATPUR,
MOUZA- TITAPANI, P.S. KALGACHIA, DISTRICT- BARPETA, ASSAM, PIN-
781319

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY PUBLIC PROSECUTOR, ASSAM

2:AKLIMA KHATUN
D/O- NUR MAHAMMAD
WIFE OF DELWAR HUSSAIN
RESIDENT OF VILLAGE- SHARIATPUR
MOUZA- TITAPANI
P.S. KALGACHIA
DISTRICT- BARPETA
ASSAM
PIN- 78131

Advocate for the Petitioner : MR. S Ali

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

04.03.2024

Heard Mr. S. Ali, learned counsel for the petitioner. Also heard Mr. K. Das, learned Addl. P.P, Assam.

This is an application under Section 438 of Cr.PC, 1973 praying for granting of pre-arrest bail to the petitioner in connection with Kalgachia P.S Case No. 849/2017 under Sections 376/506 IPC.

The facts of the case is that the informant by lodging an FIR dated 28.12.2017 alleged that on 24.12.2017, when she went to the house of the accused who is the father-in-law, she was forcefully caught from backside and by gagging her mouth with cloths, he committed sexual intercourse against her will. Accordingly, a case was registered. Apprehending arrest, the present anticipatory bail application has been filed.

Mr. S. Ali, learned counsel for the petitioner submits that there are serious contradictions in the version of the informant in her FIR and in her statement under Sectio 161 Cr.PC and also in the Medical report.

Mr. K. Das, learned Addl. P.P strondly opposes the prayer of pre-arrest bail. He submits that the informant through her statement recorded under Section 164 Cr.PC fully corroborates the statement made in the FIR.

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

It appears from the statement of the informant given under Section 164 of the Cr.PC that she has clearly implicated the accused petitioner for committing sexual intercourse against her will. It further appears that her statement in 164 Cr.PC fully corroborate with her earlier version given in the FIR dated 28.12.2017.

Considering the gravity of the offence, this Court is of the considered view that this is not a case for granting pre-arrest bail.

Accordingly, the prayer for pre-arrest bail stands rejected.

JUDGE

Comparing Assistant