

GAHC010022242024



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

Case No. : AB/271/2024

RAJU ALI
S/O- MONO SHEIKH, VILL- BHATIPARA, P.S. AND DIST.- GOALPARA, PIN-
783101

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:SOFIA BEWA
W/O- MOHOR ALI
VILL- NAYAPARA TOWN
P.S. AND DIST.- GOALPARA
PIN- 78310

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

05.03.2024

Heard Mr. A. Roshid, learned counsel for the applicant; Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent; and Mr. M.M. Zaman, learned counsel for the respondent No. 2.

2. Apprehending arrest in connection with the **Goalpara P.S. Case No.**

03/2024, under Sections 363/379 of the IPC read with Section 6 of the POCSO Act, this application under Section 438 of the Code of Criminal Procedure, 1973, is preferred by applicant namely, **Raju Ali** for grant of pre-arrest bail.

3. It is to be noted here that the said case has been registered on the basis of one F.I.R., lodged by one Sufia Bewa, on 12.01.2024. The essence of allegation made in the FIR is that about 3 months back, one Raju Ali entered into her house and kidnapped her daughter Smti 'X' (name withheld), aged 16 years and took away a sum of Rs. 1,05,000/- from her house and committed sexual intercourse with her daughter, promising to marry her. But later on, he refused to solemnize the marriage and on 30.12.2023, he returned her daughter and also threatened to kill her and her daughter, if she files any case against him.

4. Mr. Roshid, learned counsel for the applicant submits that the applicant got married with the victim girl and resided together as husband and wife, in a rented house. Mr. Roshid further submits that the allegations leveled in the FIR are false and that the applicant is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Sarma, learned Additional Public Prosecutor has produced the case diary before this Court and referring to the statement of the victim girl recorded under Section 164 of the Cr.P.C., submits that this is not a fit case where the privilege of pre-arrest bail can be granted to the applicant and therefore, it is contended to dismiss the petition.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary produced before this Court with the assistance of learned Additional Public Prosecutor.

7. In view of the materials so far collected in the case diary, especially the

statement of the victim girl recorded under Section 164 of the Cr.P.C., this Court is of the view that this is not a fit case where the privilege of pre-arrest bail can be extended to the applicant and therefore, the same is dismissed.

8. The case diary be returned.

Comparing Assistant

JUDGE