

GAHC010026262024



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

Case No. : AB/292/2024

ALOM MIAH
S/O- Kashem Ali Vill- Boalia P/S- Mankachar,
DIST. SOUTH SALMARA, PIN-783131.

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. A Z AHMED
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

16-02-2024

Heard Mr. A. Z. Ahmed, learned counsel appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. PP, Assam.

This is an application filed under Section 438 of the Cr.PC, in respect of Mankachar PS Case No. 448/2023 under Sections 448/354/354(A)/354(B)/376(1)/511 IPC.

The informant lady was sleeping on her bed. The petitioner allegedly entered into her bedroom, outraged her modesty and also attempted to commit rape upon her. When she raised alarm over the incident, the relatives of the woman came to the room and the petitioner had run away.

Mr. Das, the Addl. PP submits that in her statements recorded by police as well as under Section 164 Cr.PC, the lady has supported the prosecution case.

According to Mr. Das, the Addl. PP the medical report also shows that she has sustained some injuries.

The only ground on which the bail application has been filed is that the petitioner is 60 years old. It is further submitted that the husband of the aforesaid lady had borrowed some money from the petitioner and did not return the same.

I have considered the submissions made by the learned counsel for both the sides.

The Case diary does not support the grounds shown by the petitioner where it has incriminating materials against the present petitioner. Therefore, the pre-arrest bail application of the petitioner is found to be devoid of merit and the same stands dismissed accordingly.

The bail application stands disposed of.

JUDGE

Comparing Assistant