

GAHC010047922024



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

Case No. : AB/602/2024

MD. OMAR ALI @ OMAR ALI
S/O SOFER UDDIN, R/O VILL- DHALAGASA, P.O. AND P.S.-MERERCHAR,
DIST-BONGAIGAON, ASSAM, PIN-783384 (PERMANENT ADDRESS)

VERSUS

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

2:KADAM ALI
S/O AMIR HUSSAIN
R/O VILL- GHORAMARA PT. 1
P.O. AND P.S.-MERERCHAR
DIST- BONGAIGAON
ASSAM
PIN-78338

Advocate for the Petitioner : MR G CHAMUAH

Advocate for the Respondent : PP, ASSAM

B E F O R E
HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

20.03.2024

Heard Mr. G. Chamuah, learned counsel appearing for the petitioner.

Also heard Mr. P. Borthakur, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973 for granting anticipatory bail to the petitioner, namely **Md. Omar Ali @ Omar Ali**, in connection with **Mererchar P.S. Case No. 75/2020**, registered under Sections **448/376/511/323/34** of the Indian Penal Code, 1860, corresponding to PRC Case No. 932/2021 pending before the S.D.J.M. (M), North Salmara at Abhayapuri.

3. The case of the prosecution in brief is that on 08.08.2020, while the informant was absent at home, the petitioner along with co-accused entered his home and tried to commit rape on his wife.

4. Mr. G. Chamuah, learned counsel for the petitioner submits that the investigation is completed and charge-sheet has been filed and the petitioner is willing to co-operate in the trial.

5. Mr. P. Borthakur, learned Addl. P.P. on the other hand opposes the prayer of anticipatory bail.

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

7. It appears that the investigation has been completed and charge-sheet has been filed. Further, it appears that summon has also been issued to the petitioner 21.12.2023 for his appearance before the Court of SDJM(M), North Salmara, at Abhayapuri.

8. Considering the facts and circumstances of the case, it is provided that in the event of arrest, the petitioner named above, shall be released on pre-arrest bail in connection with the above noted case, on furnishing bail bond of Rs.

30,000/- with one surety of like amount to the satisfaction of the SDJM(M), North Salmara, at Abhayapuri, subject to the following conditions-

- (i) That the petitioner shall appear before the SDJM(M), North Salmara, at Abhayapuri on all date fixed from time to time; and
- (ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer, and that the petitioner shall refrain from such activities with which he has alleged.
- (iii) That the petitioner shall refrain from such activities from which he is alleged.

10. Return the case diary.

11. This disposes of anticipatory bail application.

JUDGE

Comparing Assistant