

GAHC010069792024



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

Case No. : AB/884/2024

AHAMMAD ALI @ AHMED ALI
S/O LT. ABDUL GONI, VILL- TELDAHA, P.O.-BARKONA, P.S.-MANKACHAR,
DIST-SOUTH SALMARA MANKACHAR, ASSAM, PIN-783131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M R KHANDAKAR,

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Mr. M.R. Khandakar, the learned counsel appearing for the petitioner as well as Mr. P. Borthakur, the learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 438 of the Cr.P.C. praying for grant of pre-arrest bail in respect of Mankachar P.S. Case No. 438/2023 (corresponding to GR No. 1058/2023).
3. One 19 year old girl has alleged that on 30.09.2023, at mid-night, the petitioner had

entered into her house and committed rape upon her.

4. The FIR was filed after 65 days of the occurrence.

5. The victim refused to undergo medical examination.

6. I have gone through the statement of the victim recorded u/s 164 of the Cr.P.C. and the statement of a witness called Halima Khatun. There are no eye witness except Halima Khatun.

7. After going through all those things, this Court is of the opinion that the petitioner does not deserve to be detained in custody in this case. Accordingly, his pre-arrest bail application is allowed.

8. The interim bail granted on 04.04.2024 is hereby made absolute.

9. The petitioner shall co-operate with the Investigating Officer as and when required.

10. The case diary shall be returned.

The bail application stands disposed of.

JUDGE

Comparing Assistant