

GAHC010082992024



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

Case No. : AB/1094/2024

RAFIQUL KHA @ RAFIQUK KHAN
S/O LATE SIDDIQUE KHAN,
VILL.- MALEGARH BAZAR, P.S.- JOGIGHOPA, DIST.- BONGAIGAON,
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. A M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 29-05-2024

Heard Mr. A.M. Khan, learned counsel for the petitioner Rafiqul Kha @ Rafiqul Khan.

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 (CrPC for short) with a prayer for pre-arrest bail as he

is apprehending arrest in connection with Jogighopa Police Station Case No. 58/2024 under Sections 376/448/366/342 of the Indian Penal Code, 1860 (IPC for short).

3. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that he had been maintaining physical relationship with the victim for 3 (Three) years. On 27.03.2024 at about 9:00 PM the accused trespassed into the victim's house and induced her with a proposal of marriage and confined her and committed sexual assault by gagging her mouth. Thereafter, at about 2:00 AM, the accused left the victim in her house and threatened her with dire consequences. This resulted in delay in lodging the FIR.

5. I have considered the submissions at the bar with circumspection.

6. The petitioner who was on interim bail vide order dated 29.04.2024 has cooperated with investigation. He has appeared before the Investigating Officer and his statement has been recorded.

7. I have also scrutinized the Case Diary.

8. Investigation has progressed to a considerable extent. It appears that custodial interrogation may not be required for further progress of investigation.

9. Considering the submissions at the bar and considering all aspects, the interim order dated 29.04.2024 is hereby made absolute.

10. In the above terms and observations, this Anticipatory Bail application stands disposed of.

11. Send back the Case Diary.

JUDGE

Comparing Assistant