

GAHC010105072024



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

AB/1130/2024

ROKIA KHATUN
W/O MD. SAFIUR RAHMAN
RESIDENT OF VILLAGE JARABARI
MOUZA BETBARI PS AND DIST BARPETA
ASSAM

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:SHAMJAN NESSA
W/O NAZIR HUSSAIN
VILLAGE KHUDRAKUCHI
MOUZA TITAPANI
PS KALGACHIA
DIST BARPETA
ASSAM

Advocate for : H G DAISY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date :12.06.2024

Heard Mr. J.Ahmed, learned counsel for the petitioner. Also heard Mr. R.J.Baruah, learned Addl. Public Prosecutor for the State/respondent No.1 and Mr. R.Hoque, learned

counsel for respondent No.2.

This is an application filed under Section 438 Cr.P.C., by the petitioner, **Rokia Khatun** praying for granting anticipatory bail in connection with **Kalgachia PS case No. 36/2024** under Sections 366/376(1)/313/417/34 IPC.

The case diary is placed before the court.

It may be mentioned herein that vide order dated 02.05.2024, the present petitioner was granted interim pre-arrest bail by this court.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. The petitioner has been working as ANM at Barpeta Civil Hospital since 1992. The learned counsel for the petitioner also submitted that the petitioner is no way involved in the alleged offence and as such the benefit of pre-arrest bail may be extended to the petitioner.

The learned Addl.P.P. has produced the case diary and submits that although the petitioner is not named in the FIR but case diary reveals sufficient incriminating materials against the petitioner under Section 313 IPC. The petitioner is a nurse in Barpeta Civil Hospital who prescribed the medicine for abortion of the pregnancy of the victim girl without her consent and as such bail may not be granted to the petitioner.

The learned counsel for the respondent No.2 objected to the prayer of pre-arrest bail of the petitioner and submits that accused paid Rs.10,000/- to the nurse in the hospital for terminating the pregnancy of the victim without her consent.

I have perused the case diary.

On perusal of case diary, this Court finds sufficient incriminating materials against the present petitioner. She was the said nurse who was responsible for terminating the pregnancy of the victim without her consent and as such, this court is not inclined to grant the privilege of pre-arrest bail.

In view of the above, the prayer for anticipatory bail is rejected.

The interim order, dated 02.05.2024 is hereby vacated.

The anticipatory bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant