

GAHC010104182023



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

**Case No. : AB/2326/2023**

MD. KARIM ALI @ KARIM ALI  
S/O- LT. SORU ALI, RESIDENT OF VILLAGE- CHOLCHOLI, NATUN BLOCK,  
P.S. KAKI, DIST.- HOJAI, ASSAM

VERSUS

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

**Advocate for the Petitioner : MR S AHMED**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE MALASRI NANDI**

**ORDER**

**Date : 27.02.2024**

Heard Mr. B. Chetia, learned counsel for the petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor appearing for the State.

By this application filed under Section 438 Cr.P.C, the petitioner, **Md. Karim Ali @ Karim Ali**, has sought for pre-arrest bail, apprehending his arrest

in connection with **PRC Case No. 142/2023(arising out of Kaki P.S. Case No. 67/2022)**, registered under Section 376/506/509 IPC r/w Section 67 IT Act, pending in the court of JMFC, Hojai, Sankardev Nagar.

It is submitted by the learned counsel for the petitioner that the petitioner had over affairs with the victim and the alleged offence has been committed by the petitioner with the consent of the victim. The victim is a major girl. It is further stated that when the victim brought to the hospital for medical examination, she has refused to do so. Under such backdrop, Section 376 IPC does not attract here in this case. It is also submitted that the petitioner is ready to appear before the learned trial court and to face the trial. Considering the nature of offence, the petitioner may be granted the privilege of pre-arrest bail.

Mr. Goswami, learned Addl.P.P. for the State submits that the petitioner was shown as absconder in the charge-sheet. As it appears that the petitioner was not available during investigation of the case, therefore, there is every possibility of jumping bail during trial.

I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of LCR.

It appears from the record that summons was issued to the petitioner but there is no indication in the LCR that summons has been served to the petitioner.

In view of the above, the present petition stands disposed of with a direction to the petitioner to appear before the concerned court within 15(fifteen) days from today and file an application seeking bail and on such appearance and filing of the bail application, the learned court shall consider the same on furnishing bail bond of Rs.25,000/- with a suitable surety of the like amount to his/her satisfaction.

Till such appearance, no coercive action shall be taken against the petitioner.

The bail application stands disposed of accordingly.

**JUDGE**

**Comparing Assistant**