

GAHC010128252024



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

Case No. : AB/1667/2024

IDRIS ALI BHUYAN
S/O LT JAHER ALI BHUYAN, R/O PIRADHARA PART-I, P.S.-ABHAYAPURI,
DIST- BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:ABU SHAMA BHUYAN
S/O LT JAHER ALI BHUYAN
R/O PIRADHARA PART-I
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSAM

3:(VICTIM)
D/O IDRIS ALI BHUYAN
R/O PIRADHARA PART-I
P.S.-ABHAYAPURI
DIST- BONGAIGAON
ASSA

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 22.07.2024

Heard Mr. HRA Choudhury, learned Senior Counsel assisted by Mr. A.Ahmed, learned counsel for the petitioner. Also heard Mr. D.P.Goswami, learned Addl. Public Prosecutor for the State/respondent.

By filing this petition under Section 438 Cr.P.C., the petitioner, namely, **Idris Ali Bhuyan** has prayed for granting pre-arrest bail, apprehending arrest in connection with **Abhayapuri P.S. Case No. 146/2024** u/s 376(3) of the IPC r/w Section 6 of POCSO Act.

The case diary, as called for, is placed before this Court.

The learned counsel for the petitioner, submits that petitioner has been falsely implicated in the case who is the father of the victim. It is also submitted that petitioner has two wives and from his 2nd wife, he got 3 daughters and due to some misunderstanding, his 2nd wife used to live separately for last few years and for last 4 months there was family dispute regarding ancestral landed properties between the petitioner and his brothers as well his 2nd wife.

The learned Additional Public Prosecutor has produced the case diary including statement of the victim recorded under Section 164 CrPC and the medical report. The victim in her statement has implicated the petitioner who is the biological father of the victim. Case diary also reveals that the victim is a minor and the petitioner had forcefully committed sexual assault towards her, and as such, prayer for pre-arrest bail may not be considered.

Having heard learned counsel for the parties and perusal of the case diary and the medical report, this court is not inclined to grant bail to the petitioner.

Accordingly, the pre-arrest bail application stands rejected.

Return the case diary.

JUDGE

Comparing Assistant