

GAHC010138852024



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

Case No. : AB/1799/2024

MD MANIK MANDAL @ MANIK MANDAL SHEIKH
S/O LATE KEFATULLA SHEIKH, R/O VILL- PASCHIM VADRAGAON, P.O.-
BIDYAPUR, P.S. AND DIST- BONGAIGAON, ASSAM, PIN-783372

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. M U AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-07-2024

Heard Mr. M.U. Ahmed, learned counsel for the petitioner *Md. Manik Mandal @ Manik Mandal Sheikh.*

2. The petitioner has filed this application under Section 438 of the Code of Criminal Procedure, 1973 with prayer for pre-arrest bail as he is apprehending

arrest in connection with Bongaigaon Police Station Case No. 208/2024 under Sections 341/376/511/354-D/307/325 of the Indian Penal Code, 1860.

3. Heard Mr. M.P. Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

4. The allegation against the petitioner is that the petitioner attempted to commit rape on the victim and outraged her modesty. The petitioner also assaulted the victim with a bamboo lathi.

5. The learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. The victim has sustained injuries inflicted by the lathi. The victim has also sustained injuries on different parts of her body which is similar to the assault described by the informant in the FIR.

6. I have also scrutinized the Case Diary and the statement of the victim under Section 164 of the CrPC as well as the medico-legal report. At this juncture, the merits of this case are not brought to the fore.

7. However considering all aspects, I am not inclined to grant anticipatory bail to the petitioner. Petition is rejected at this stage.

8. Send back the case Diary.

9. Matter stands closed.

JUDGE

Comparing Assistant