

GAHC010141802024



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

Case No. : AB/1853/2024

AMIR ALI @ AMER ALI
S/O LATE AINUDDIN, VILL- NO. 2 SALABILA, P.O.-SALABILA, P.S.-
MANIKPUR, DIST- BONGAIGAON, ASSAM, PIN-783392

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

2:AJIRAN KHATUN (INFORMANT)
W/O JARIP ALI
VILL- NO. 2 SALABILA
P.O.-SALABILA
P.S.-MANIKPUR
DIST- BONGAIGAON
ASSAM
PIN-78339

Advocate for the Petitioner : MR. M U MAHMUD, MS. D BORA, MR S ISLAM, MR S H MAHMUD

Advocate for the Respondent : PP, ASSAM, I HOQUE (R-2), MR. J ABBAS (R-2)

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 13.08.2024

Heard Mr. MU Mahmud, learned counsel for the petitioner and Mr. B.Sharma, learned Addl. P.P.for the State respondent No.1. Also heard Mr. I.Hoque, learned counsel for the respondent No.2.

This application under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely **Amir Ali @ Amer Ali** praying for pre-arrest bail apprehending arrest in connection with **Manikpur P.S. Case No. 66/ 2024** under Section 376 (AB) of the IPC read with Section 4 of the POCSO Act.

The allegation in the FIR reveals that on 01.05.2024, at about 12 noon, the minor daughter of the informant aged about 8 years was forcefully taken away by the petitioner to nearby a pond and committed rape on her.

Learned counsel for the petitioner submits that the petitioner is no way connected with the case. There is a land dispute between the parties. The informant took loan of Rs.8000/- from the petitioner and only to get rid of the debt of the petitioner, the FIR has been lodged and as such, the petitioner may be enlarged on pre-arrest bail.

Learned Addl.P.P. has produced the case diary and submits that the victim was a minor (aged 8 years) at the time of the incident and she has implicated the petitioner. The medical report also reveals the age of the victim to be 7/9 years at the time of the incident.

Learned counsel for the respondent No.2 submits that the victim was a minor girl at the time of the incident and the allegation against the petitioner cannot be stated to be false one. As such, he opposed in granting bail to the petitioner. Having heard learned counsel for the parties and on perusal of the case diary, it is seen that the victim was a minor girl aged about 8 years at the time of the incident. Medical report also shows that the victim was aged 7/9 years at the time of the alleged occurrence. The statement of the victim suggests that she has been sexually abused by the petitioner. This court finds sufficient incriminating materials against the present petitioner and as such, this court is not inclined to grant bail to the petitioner.

Accordingly, the pre-arrest bail application is rejected at this stage.

The pre-arrest bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant