

GAHC010160922024



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

Case No. : Bail Appln./2389/2024

MD. MOJIBUR RAHMAN
S/O MD. SAYAD ALI, R/O VILL- BORIJANI, P.S.-HAJO, DIST- KAMRUP (R),
ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR M HOQUE, MS J BEGUM

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 27.08.2024

Heard Mr. M. Hoque, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying for granting bail to the petitioner Md. Mojibur Rahman, who was arrested on 29.07.2024 in connection with Dibrugarh P.S. Case No.292/2024.

3. It is alleged that the FIR dated 26.07.2024 at about 3-4 AM, the present petitioner

being the Supervisor of the cleaning staff committed rape upon the nurse.

4. I have gone through the statements of the victim that was recorded under Section 183 of the BNSS, 2023.

5. Mr. Hoque, learned counsel for the petitioner submits that the services of the petitioner and the informant are not yet confirmed. The petitioner being the senior, if his service is confirmed, then the informant's service will never be confirmed.

6. Mr. Hoque submits that this is the reason why, the informant, who is not a victim of rape has filed the FIR against the present petitioner.

7. I have considered the submissions made by the learned counsel of both the sides.

8. The statement of the victim girl shows a horrible story. There are materials against the present petitioner in the Case Diary.

9. The bail application of the petitioner Md. Mojibur Rahman is rejected.

10. Case Diary shall be returned.

JUDGE

Comparing Assistant