

GAHC010180532024



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

Case No. : Bail Appln./2629/2024

AMINUR RAHMAN
S/O AKBAR ALI MIAH
VILL- POKALAGI PT.II
P.S. GOLAKGANJ
DIST. DHUBRI, ASSAM
PIN- 783335

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR R ISLAM, MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM, MR. A A R KARIM (FOR INFORMANT), Ms. R. R. BORAH (FOR INFORMANT)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 11.09.2024

1. Heard Mr. R. Islam, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, Assam appearing for the State respondent as well as Ms. R. R. Bora, learned counsel representing the victim.

2. This application under Section 483 of the BNSS, 2023 has been filed by the petitioner, namely, Aminur Rahman, who has been detained behind the bars since 29.08.2024 in connection with Dhubri P. S. Case No.300/2024 registered under Sections 61(2)(a)/70(1)/351(3) of BNS, 2023.

3. The gist of the accusation in this case is that the victim had lodged an FIR on 28.08.2024 against six numbers of the accused persons including the present petitioner, alleging that the present petitioner and one Fidus Bepari had attempted to commit rape on her and thereafter on 17.07.2024 the present petitioner forcefully committed rape on the victim lady and also threatened her of killing her if she discloses about the incident to anybody.

4. It is also alleged that the victim was also threatened on 04.08.2024 to have illicit relationship with the present petitioner and she was asked to allow them to make videography of the same. In lieu of the offer that they will settle the conjugal dispute of the victim with her husband.

5. Learned counsel for the petitioner has submitted that the allegations levelled in the FIR are not true and the petitioner is innocent. He also submits that the allegations levelled against the petitioner are not believable inasmuch as once the victim was threatened by the present petitioner, she would not have gone to the said petitioner again on two occasions.

6. He also submits that the victim is by nature such a lady, who is habitually filing such cases. Earlier also she lodged case against one Jamir Alom, which was later on settled between the parties.

7. Learned counsel for the petitioner has submitted that the petitioner has been detained behind the bars since last 29.8.2024 and considering the detention, he may be allowed to go on bail. He also submits that the petitioner is ready to cooperate with the Investigating Officer.

8. On the other hand, the learned Additional Public Prosecutor has produced

the case diary of the Dhubri P. S. Case No.300/2024 and has vehemently opposed the grant of bail to the present petitioner on the ground that there are sufficient incriminating materials against the present petitioner and the nature of offence involved in this case are heinous.

9. Learned Additional Public Prosecutor has also submitted that there is also possibility of the petitioner threatening the victim if he is released on bail at this stage, as the investigation is still not completed.

10. I have considered the submission made by the learned counsel for both the sides and have perused the materials on record.

11. It appears that the offence involved in this case is heinous in nature and there are sufficient incriminating materials against the present petitioner in the case diary and the investigation have also not progressed well.

12. Considering the above facts, this Court is of opinion that at this stage, this case is not a fit case where the petitioner may be granted bail.

13. Hence, this prayer for bail is rejected at this stage.

JUDGE

Comparing Assistant