

GAHC010182382024



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

Case No. : AB/2393/2024

SOBOR ALI
S/O NAOCHAD ALI
VILL- GHILAGURI, P.O KAKRAGAON
P.S. BONGAIGAON,
DIST. BONGAIGAON, ASSAM
PIN-783372

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M AHMED, B DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 24.09.2024

Heard Mr. A.M. Ahmed, learned counsel appearing for the petitioner as well as Mr. Bankim Sarma, learned Additional Public Prosecutor for the State of Assam.

2. This is an application under section 482 of the BNSS, 2023 praying for grant of pre-

arrest bail in respect of Runikhata P.S. Case No. 15/2024 under Sections 457/376 of the Indian Penal Code.

3. The informant/lady is a 33 year old business woman. She lives alone in a rented house. The informant has alleged in the FIR that on 01.05.2024 at about 10.30 PM, the petitioner had entered into her house and committed rape upon her. Next morning she informed the matter to her friend and went to the police station to lodge an FIR. Police allegedly did not register the FIR. Thereafter, she took the help of her father, who drafted the FIR and thereafter, the case was registered after one month of the occurrence.

4. The learned counsel for the petitioner submits that the petitioner alongwith his elder brother runs a shop at Dadgiri Bazar, where the informant also runs a bettle nut shop. The had some business disputes and therefore, a false case has been registered against the petitioner.

5. I have considered the submissions made by the learned counsels of both sides.

6. The delay in lodging the FIR is exorbitant which cast a doubt about the veracity of the prosecution case itself.

7. Therefore, the pre-arrest bail application of the petitioner is allowed.

8. It is hereby directed that in the event of arrest in connection Runikhata P.S. Case No. 15/2024, the petitioner, Sobor Ali shall be released on bail of Rs. 25,000/- with a surety of like amount to the satisfaction of the arresting authority.

9. The petitioner shall appear before the Investigating Officer within next 10 days from today. He shall cooperate with the investigating officer as and when called for.

10. With the aforesaid direction, the bail application stands disposed of.

The CD shall be returned.

JUDGE

Comparing Assistant