

GAHC010227472023



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

Case No. : AB/3547/2023

ASHIKUR RAHMAN
S/O- NUR HUSSAIN VILL- ROWAH PT - II P.S AND DIST - DHUBRI, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY P.P. ASSAM

2:BASIRAN BIBI
W/O- NUR ISLAM VILL- ROWAH PT-II
P.S- AND DIST-DHUBRI
ASSAM PIN - 78332

Advocate for the Petitioner : MR. M MONDAL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 19-01-2024

- 1.** Heard Mr. M. Mondal, learned counsel for the petitioner.
- 2.** The petitioner Ashikur Rahman has filed an application u/s 438 Cr.PC with prayer of pre-arrest bail as he is apprehending arrest in connection with Dhubri P.S. Case No. 333/2023

registered u/s 354(D)/448/376/511 IPC R/W Section 4 of POCSO Act, 2012.

3. Heard Mr. M.P. Goswami, learned Addl. PP, Assam for respondent No. 1 and learned counsel Mr. M. Rahman for the informant-respondent No. 2.

4. The FIR unfolds that the petitioner has been trying to compel the minor victim to have a relationship with him. When the victim refused, the petitioner entered into the victim's house while she was alone at home and attempted to commit sexual assault on the victim. She sustained several injuries on her chest and other parts of her body and was rendered unconscious.

5. The learned counsel for the respondent No.2 and the learned Addl. PP has raised serious objections stating that the respondent No. 2 was compelled to leave her place of residence and take shelter in another place and this is the reason why notices could not be served on respondent No. 2 and the copy of the notice itself reveals that "addressee has left".

6. The learned Addl. PP has raised serious objection stating that there are incriminating materials in the Case Diary against the petitioner. It is also submitted that the Medico Legal Report reveals that the victim has sustained injuries as allegedly she was assaulted.

7. I have perused the Case Diary. Indeed there are incriminating materials in the Case Diary against the petitioner. The import of the section under which the petitioner is booked does not entitle him to pre-arrest bail. At this juncture there appears to be no justified ground to extend the privilege of anticipatory bail to the petitioner.

The petition is rejected at this stage.

Send back the Case Diary.

JUDGE

Comparing Assistant