

GAHC010235082024



2024:GAU-AS:11512

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

Case No. : AB/2961/2024

MAHAMMAD ALI
S/O SOMEJ UDDIN
R/O VILL- JOGIRPAM,
P.S. AND DIST. BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN, MS J AKTAR, MR A K DAS

Advocate for the Respondent : PP, ASSAM,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

22.11.2024

Heard learned counsel, Mr M Khan, for the petitioner, Mahammad Ali, who has filed this application under Section 482 of the CrPC, with prayer for pre-arrest bail as he is apprehending arrest in connection with Serfanguri PS Case No. 22/2024, registered under Sections 137(2)/64/62 of the BNS, 2023.

2. Heard Mr D Das, learned Additional Public Prosecutor for the State respondent.

3. The allegation against the petitioner is that he along with his co-accused have

kidnapped a mentally challenged woman. On the seeing the petitioner and his co-accused picking up forcefully and taking the woman in a Bolero vehicle, the Police who were on naka-checking duty pursued them and then the petitioner and the co-accused, Sahidul Islam pushed the woman out of the vehicle and fled, but the Police team could apprehend the co-accused of the petitioner while the petitioner managed to escape.

4. Learned Additional Public Prosecutor has raised serious objection stating that there are incriminating materials that the victim was picked up by the petitioner and the co-accused, with an intent to commit rape and then abandoned in a jungle.

5. I have considered the submissions at the Bar with circumspection.

6. I have also scrutinized the Case Diary.

7. Indeed there are incriminating materials in the Case Diary against the petitioner.

8. The victim woman in this case is a mentally challenged woman.

9. I have also considered the facts and circumstances of this case.

10. The petitioner is not entitled to bail, at this stage. Petition with prayer for bail is rejected at this stage.

11. Send back the Case Diary.

JUDGE

Comparing Assistant